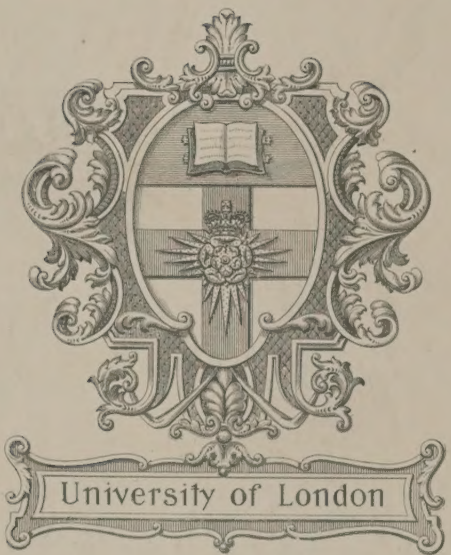
University of London

B I L L S,

PUBLIC:

FOUR VOLUMES.

—(1.)—

ACCESSORIES AND ABETTORS

TO

DUNBAR HARBOUR LOAN.

Session

30 *April* —— 28 *August* 1857.

VOL. I.

1857—Sess. 2

BILLS:

1857—Sess. 2.

FOUR VOLUMES:—CONTENTS OF THE

FIRST VOLUME.

N.B.—*THE* Figures *at the* beginning of the line, *correspond with the* N° *at the foot of each* Bill; *and the* Figures *at the* end of the line, *refer to the* MS. Paging *of the Volumes arranged for The House of Commons.*

Accessories and Abettors:

✓ 155. Bill, intituled, An Act to consolidate the Statute Law of *England* and *Ireland* relating to Accessories to and Abettors of indictable Offences - - p. 1

Adulteration of Food or Drink:

✓ 93. Bill for preventing the Adulteration of Articles of Food or Drink - - 9

Aggravated Assaults:

✓ 12. Bill to repeal the Act Sixteenth and Seventeenth Victoria, Chapter Thirty; and to make better Provision for the Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law - - - 21

Agricultural Statistics:

✓ 146. Bill to provide for the Collection of Agricultural Statistics in *England* and *Wales* - - - - - - - - - - - - - - 27

Alehouse Licensing:

✓ 42. Bill to explain and amend the Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in *England* - - - 37

Assessments (Scotland):

✓ 88. Bill to improve and render less expensive the Mode of imposing and collecting Assessments in *Scotland* - - - - - - - - - - 41

Attornies and Solicitors (Colonial Courts):

✓ 87. Bill to regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in *England*, in certain Cases - - - - - - - - - - - - - 47

✓ 131. Same [as amended on Re-commitment] - - - - - - - - 53

Banking:

✓ 91. Bill to amend the Law relating to Banking Companies - - - - 59

✓ 128. Same [as amended in Committee] - - - - - - - - - 67

Bankruptcy and Insolvency (Ireland):

✓ 6. Bill to consolidate and amend the Laws relating to Bankruptcy and Insolvency in *Ireland* - - - - - - - - - - - - - 75

Bankruptcy and Real Securities (Scotland):

✓ 75. Bill to remove Doubts as to the Law of Bankruptcy and Real Securities in *Scotland* - - - - - - - - - - - - - - - 209

Bill Chamber (Scotland):

76. Bill to regulate Procedure in the Bill Chamber in *Scotland* - - p. 213

Boundaries of Burghs Extension (Scotland):

141. Bill to provide for the Extension of the Boundaries of Burghs in *Scotland* - 217

Boundaries of Land (Ireland):

104. Bill to make further Provision for defining the Boundaries of certain Denominations of Land in *Ireland* for public Purposes - - - - - - 221

129. Same [as amended in Committee] - - - - - - - - - 225

Burial Acts Amendment:

21. Bill to amend the Burial Acts - - - - - - - - 229

40. Same [as amended in Committee] - - - - - - - - 237

147. Same [as amended in Committee, and on Re-commitment] - - - 247

198. Lords Amendments to the Burial Acts Amendment Bill - - - - 259

Burial Grounds (Scotland) Act (1855) Amendment:

172. Bill to amend "The Burial Grounds (*Scotland*) Act, 1855" - - - 263

Burials:

43. Bill relating to Burials in Consecrated and Unconsecrated Ground - - 267

Caledonian and Crinan Canals:

101. Bill to amend the Acts relating to the *Caledonian* and *Crinan* Canals, and to make further Provision for the Accommodation of the Traffic thereon - 271

135. Same [as amended by the Select Committee] - - - - - - - 277

Canada and New Brunswick Boundaries:

132. Bill to explain an Act for the Settlement of the Boundaries between the Provinces of *Canada* and *New Brunswick* - - - - - - - - - 283

Charitable Trusts Acts Continuance:

185. Bill, intituled, An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts - - 287

Charitable Uses:

57. Bill to amend the Law relating to the Conveyance of Lands for Charitable Uses - - - - - - - - - - - - - - 291

Chatham Lands, &c.:

8. Bill for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of *Chatham*, in the County of *Kent*, and to stop up, divert or alter certain Ways in the said Parish, and for other Purposes relating thereto - 299

24. Same [as amended by the Select Committee] - - - - - - - 313

Chelsea New Bridge:

133. Bill to repeal so much of the Act of the Ninth and Tenth Years of Victoria, c. 39, as authorizes a Toll to be taken for Foot Passengers on the Bridge now erecting across the River *Thames* pursuant to such Act - - - - - - 327

Christ Church (West Hartlepool):

84. Bill to render valid certain Marriages in *Christ Church, West Hartlepool*, in the Parish of *Stranton*, in the County of *Durham* - - - - - - 331

Cinque Ports Act Amendment:

29. Bill for the Amendment of the Cinque Ports Act - - - - - - 335

Clerks of Petty Sessions (Ireland):

✓ 117. Bill to authorize the Payment of Clerks of Petty Sessions in *Ireland* by Salaries instead of Fees, and to amend the Petty Sessions (*Ireland*) Act, 1851, p. 339

✓ 164. Same [as amended in Committee] - - - - - - - - 351

Coinage Offences:

✓ 154. Bill, intituled, An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin - - - - - 365

Commons Inclosure:

✓ 120. Bill to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales* - - - 385

Constables (Detached Parts of Counties):

✓ 148. Bill to amend the Law concerning detached Parts of Counties so far as respects the Establishment of County Constables - - - - - 389

Constabulary Force (Ireland):

✓ 89. Bill to amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in *Ireland* - - - - - - - - - - - - - 393

Conveyance of Mails by Railways:

✓ 100. Bill to make further Provisions for the Conveyance of Mails by Railways - 397

Copyright Acts Consolidation:

✓ 142. Bill for consolidating the Laws relating to Copyright in Works of Literature and Art - - - - - - - - - - - - - - 409

County Cess (Ireland):

✓ 45. Bill to revive and amend certain Acts relating to the Collection of County Cess in *Ireland*; and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 & 20 Vict. c. 36 - - - - - - - - - 433

County Court Judges (Falconer and Yates's Salaries):

✓ 143. Bill to supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts - - - - - - - - - - - - 437

Court of Chancery (Ireland):

✓ 15. Bill to make Provision for the Appointment of Registrars to the Masters of the Court of Chancery in *Ireland*; also for the safe Custody of Title Deeds and Documents lodged in the said Court; and to amend the Practice in certain Particulars - - - - - - - - - - - - - 441

Court of Exchequer (Ireland).

✓ 46. Bill to alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in *Ireland* - - - - - - - - - - - 451

Court of Session (Scotland):

✓ 72. Bill to regulate the Distribution of Business in the Court of Session in *Scotland* - - - - - - - - - - - - - - 455

Crowded Dwellings Prevention:

✓ 160. Bill, intituled, An Act for the Prevention of Overcrowding in the Dwellings of the Poor - - - - - - - - - - - - - - 459

✓ 187. Same [as amended in Committee] - - - - - - - - - 463

Crown, &c. Suits (Scotland):

✓ 74. Bill to regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of *Scotland* - - - - - - 467

Cruelty to Animals Act Amendment:

79. Bill to amend the Acts for the more effectual Prevention of Cruelty to Animals - - - - - - - - - - - - - p. 471

Customs:

192. Bill for the Alteration and Amendment of the Laws and Duties of Customs - - - - - - - - - - - - - 489

193. Same [as amended in Committee] - - - - - - - - - 495

Customs and Excise:

189. Bill for granting certain Duties of Customs and Excise - - - - - 503

Deer, Game and Rabbits:

162. Bill, intituled, An Act to consolidate the Statute Law of *England* relating to Deer, Game and Rabbits - - - - - - - - - - 509

Divorce and Matrimonial Causes:

86. Bill, intituled, An Act to amend the Law relating to Divorce and Matrimonial Causes in *England* - - - - - - - - - - - 541

197. Same [as amended in Committee] - - - - - - - - - 557

Dulwich College:

114. Bill, intituled, An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in *Dulwich*, in the County of *Surrey*, with certain Alterations - - - - - - - - - - - - - 575

170. Same [as amended by the Select Committee] - - - - - - - 605

Dunbar Harbour Loan (Scotland):

173. Bill to authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of *Dunbar* for the Purpose of improving the *Victoria* Harbour of *Dunbar* - - - - - - - - - 633

Accessories and Abettors Bill.

This Bill consolidates the Statute Law of England and Ireland relating to Accessories and Abettors.

It comprises the following Enactments:—

7 Geo. 4. c. 64. s. 9. relating to England.
9 Geo. 4. c. 54. ss. 23. 24. 25. relating to Ireland.
9 Geo. 4. c. 55. s. 54. relating to Ireland.
9 Geo. 4. c. 56. s. 33. relating to Ireland.
11 & 12 Vict. c. 46. ss. 1. & 2., relating to England and Ireland.

The Statute Law of England and Ireland being identical as far as it relates to Accessories and Abettors, this Bill has been extended to both Countries.

No Alteration in the Law is introduced in this Bill.

Accessories and Abettors Bill.

CONTENTS.

As to Accessories before the Fact:

1. *Accessories before the Fact may be tried and punished as the Principal.*
2. *Accessories before the Fact may be tried as such, or as substantive Felons.*
3. *Punishment of Accessories before the Fact.*

As to Accessories after the Fact:

4. *Trial and Conviction of Accessories after the Fact.*
5. *Punishment of Accessories after the Fact.*

As to Accessories generally:

6. *Prosecution of Accessory after Principal has been convicted, but not attainted.*

As to Abettors in Misdemeanors:

7. *Abettors in Misdemeanors.*

As to other Matters:

8. *Offences committed at Sea.*
9. *Act not to extend to Scotland.*
10. *Commencement of Act.*

A

B I L L

INTITULED

An Act to consolidate the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences.

Preamble.

WHEREAS it is expedient to consolidate the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

As to Accessories before the Fact:

Accessories before the Fact may be tried and punished as Principals. 11 & 12 Vict. c. 46. s. 1.

I. Whosoever shall become an Accessory before the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, may be indicted, tried, convicted, and punished in all respects as if he were a principal Felon.

Accessories before the Fact may be tried as such, or as substantive Felons.

II. Whosoever shall counsel, procure, or command any other Person to commit any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, shall be guilty of Felony, and may be indicted and convicted either as an Accessory before the Fact to the principal Felony, together with the principal Felon,

7 G. 4. c. 64. s. 9. 9 G. 4. c. 54. s. 23.

Felon, or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same Manner as any Accessory before the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of the Person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if such Offence had been committed at the same Place as the principal Felony, although such Offence may have been committed either on the Sea or on Land, whether within Her Majesty's Dominions or without; and in case the principal Felony shall have been committed within the Body of any County, and the Offence of counselling, procuring, or commanding shall have been committed within the Body of any other County, the last-mentioned Offence may be inquired of, tried, determined, and punished in either of such Counties: Provided, that no Person who shall be once duly tried for any such Offence, whether as an Accessory before the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

Punishment] of Accessories before the Fact.

III. Every Accessory before the Fact to any Felony, whether the same be a Felony at Common Law, or by virtue of any Act passed or to be passed, shall be punishable with Death or otherwise, in the same Manner as the Principal.

As to Accessories after the Fact:

Trial and] Conviction of Accessories after the Fact. 11 & 12 Vict. c. 46. s. 2. 7 G. 4. c. 64. s. 10. 9 G. 4. c. 54. s. 24.

IV. Whosoever shall become an Accessory after the Fact to any Felony, whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, may be indicted and convicted either as an Accessory after the Fact to the principal Felony, together with the Principal Felon or after the Conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice; and may thereupon be punished in like manner as any Accessory after the Fact to the same Felony, if convicted as an Accessory, may be punished; and the Offence of such Person, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have Jurisdiction to try the principal Felon, in the same Manner as if the Act by reason of which such Person shall have become an Accessory had been committed at the same Place as the principal Felony, although such Act may have been committed either on the Sea or on Land, whether within

within Her Majesty's Dominions or without; and in case the principal Felony shall have been committed within the Body of any County, and the Act by reason whereof any Person shall have become Accessory shall have been committed within the Body of any other County, the Offence of such Accessory may be inquired of, tried, determined, and punished in either of such Counties: Provided, that no Person who shall be once duly tried for any such Offence, whether as an Accessory after the Fact or as for a substantive Felony, shall be liable to be again indicted or tried for the same Offence.

Where the Felony and Act of Accessory are committed in different Counties, Accessory may be tried in either.

V. Every Accessory after the Fact to any Felony (except where it is otherwise specially enacted), whether the same be a Felony at Common Law or by virtue of any Act passed or to be passed, shall be liable to be imprisoned, in the Common Gaol or House of Correction, for any Term not exceeding Two Years, with or without Hard Labour, and it shall be lawful for the Court, if it shall think fit, to require the Offender to find Sureties for keeping the Peace, in addition to such Punishment.

Punishment of Accessories after the Fact.

As to Accessories generally:

VI. If any principal Offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any Accessory, either before or after the Fact, in the same Manner as if such principal Felon had been attainted thereof, notwithstanding such principal Felon shall die or be pardoned, or otherwise delivered before Attainder; and every such Accessory shall upon Conviction suffer the same Punishment as he would have suffered if the Principal had been attainted.

Prosecution of Accessory after Principal has been convicted but not attainted.
7 G. 4. c. 64. s. 11.
9 G. 4. c. 54. s. 25.

As to Abettors in Misdemeanors:

VII. Whosoever shall aid, abet, counsel, or procure the Commission of any Misdemeanor, whether the same be a Misdemeanor at Common Law, or by virtue of any Act passed or to be passed, shall be liable to be indicted and punished as a principal Offender.

Abettors in Misdemeanors.
7 & 8 G. 4. c. 30. s. 26.
9 G. 4. c. 56. s. 33.
9 G. 4. c. 55. s. 54.

As to other Matters:

VIII. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of England or Ireland shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in England or Ireland, and may be dealt with, inquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of England or Ireland; provided that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces.

Offences committed at Sea.

Act not to extend to Scotland.

IX. Nothing in this Act contained shall extend to Scotland, except as herein-before otherwise expressly provided.

Commencement of Act.

X. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight.

Accessories and Abettors.

A

B I L L

INTITULED

An Act to consolidate the Statute Law of England and Ireland relating to Accessories to and Abettors of indictable Offences.

(*Brought from the Lords 23 July* 1857.)

Ordered, by The House of Commons, *to be printed,* 23 *July* 1857.

[Bill 155.]

Under 1 *oz.*

A

B I L L

FOR

Preventing the Adulteration of Articles of Food or Drink.

WHEREAS the Practice of adulterating Articles of Food and Drink for Sale in fraud of Her Majesty's Subjects, and to the great Hurt of their Health, requires to be repressed by more effectual Laws than those which are now in force for that Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Local Authority for executing this Act within the Places mentioned in Schedules A. and B. annexed to an Act passed in the Nineteenth Year of the Reign of Her present Majesty, intituled "An "Act for the better local Management of the Metropolis," shall be the Vestry and District Board respectively appointed for executing such last-mentioned Act within such Places respectively; and in all other Places the Local Authority for executing this Act shall be the Local Authority acting there in execution of any General Act in force for the Time being for the Removal of Nuisances. Local Authority for Execution of Act.

II. The Charges and Expenses incurred in executing this Act in the respective Places wherein such Local Authority is a Vestry or District Board under the said Act of the Nineteenth Year of the Reign of Her present Majesty shall be defrayed out of Monies to be raised in like Expenses of Act.

Manner as Monies are by the same Act required to be raised by such Vestry or District Board for defraying the Expenses of such Vestry or Board in the Execution of their Powers and Duties under that Act; and in Places where the Local Authority appointed for the Execution of this Act is the Local Authority for the Execution of any such General Act as aforesaid for the Removal of Nuisances, such Charges and Expenses shall be defrayed out of Monies to be raised in like Manner as Monies are for the Time being required to be raised by any Act of Parliament for the Purposes of the Local Authority acting in execution of any such General Act as aforesaid.

Local Authority to appoint Inspectors and Chemical Food Examiners.

III. Within Months from the passing of this Act the Local Authority shall, for the Place over which it has Jurisdiction as aforesaid, and which shall for the Purposes of this Act be deemed its District, appoint One or more Persons to be called "Food Inspector" or "Food Inspectors" of such District, and also a Person skilled in Chemistry and Pharmacy to be called "Chemical Food Examiner" of such District, and shall also appoint convenient Places for the respective Offices of such Inspectors and Chemical Food Examiner, as also a proper Warehouse wherein to lodge such Articles of Food and Drink as may be seized under the Provisions of this Act, and shall furnish such Offices and Warehouse respectively with all Materials necessary for the Execution of the Duties of such Inspectors and Chemical Food Examiner respectively; and such Local Authority shall also fix and pay the Salary of every such Inspector and Chemical Food Examiner, and shall have Power to dismiss any such Inspector or Chemical Food Examiner, and to fill up any Vacancy in the Office of such Inspector or Chemical Food Examiner occasioned by such Dismissal, or by Death, Resignation, or otherwise.

General Board of Health to appoint Food Analysts.

IV. The General Board of Health shall, within Months from the passing of this Act, appoint so many Persons, well skilled in Chemistry and Pharmacy, as the said Board, subject to the Approval of the Commissioners of Her Majesty's Treasury, shall think proper, to be the Food Analysts of such Board, and there shall be paid to such Food Analysts such Salary or Remuneration as shall from Time to Time be appointed by the said Commissioners of Her Majesty's Treasury; and the said Board shall provide and furnish with all necessary Implements a proper Office in London or Westminster for the Use of such Food Analysts; and the Salary or Remuneration of such Food Analysts, and all Expenses incurred by the said Board in the Execution of this Act, shall be paid out of such Monies as shall be provided by Parliament for that Purpose.

Penalty for adulterating

V. Every Person who, by way of Trade or for the Purpose of Sale, shall put into or combine with any Article of Food or Drink any Material

Material calculated to injure the Health of Persons eating or drinking such Article, and every Person who shall sell or expose for Sale, or have upon any Premises belonging to him for the Purpose of Sale, any Article of Food or Drink into or with which to the Knowledge of such Person any Ingredient or Material calculated to injure the Health of Persons eating or drinking such Article has been put or mixed, and every Person who shall have upon his Premises any Material intended by him to be put into and combined with any Article of Food or Drink and which if so used would make any such Article injurious to the Health of Persons eating or drinking the same, and every Person who shall sell or expose for Sale as pure and unadulterated any Article of Food or Drink which to the Knowledge of such Person is adulterated and not pure, shall for every such Offence, on a summary Conviction of the same before Two Justices of the Peace, forfeit and pay a Penalty not exceeding Pounds nor less than Pounds, together with such Costs attending such Conviction as to the said Justices shall seem reasonable, and on the Nonpayment of such Penalty and Costs shall be committed to the Common Gaol or House of Correction for any Period not exceeding *Six* Calendar Months; and it shall be lawful for such Justices to cause the Offender's Name, Place of Abode, and Offence to be published in such Newspaper or in such other Manner as such Justices shall deem desirable, and to defray the Expense of publishing the same out of the Money arising by such Penalty, if any, and in default thereof such Expense shall be deemed Part of the Charges and Expenses incurred in executing this Act, and shall be defrayed as such by the Local Authority entrusted with the Execution of this Act for the Place within which such Offence has been committed.

Articles Food or Drink.

VI. Every Person who shall sell or expose for Sale, or have upon any Premises belonging to him for the Purpose of Sale, any Article of Food or Drink adulterated contrary to the Act, shall, in the Absence of sufficient Proof to the contrary, be deemed to have so sold or exposed for Sale, or to have so had upon Premises belonging to him for the Purpose of Sale, the said Article of Food or Drink, knowing the same to have been so adulterated.

Evidence of Knowledge of the Article being adulterated.

VII. Every such Inspector as aforesaid shall have Power at all seasonable Times, and with or without Assistants, to enter upon any Premises within his District wherein any Article of Food or Drink is commonly sold or exposed for Sale, and there to search for any Article of Food or Drink intended for Sale, as likewise for any Material usually mixed with any such Article of Food or Drink, and there to examine and test the same; and if he shall be satisfied

Power to Inspector to enter Premises and seize adulterated Articles.

from such Examination that any Article of Food or Drink intended for Sale which shall be so found there is adulterated with any Material which would make it injurious to the Health of Persons eating or drinking the same, or if he shall be satisfied that any Material which he may find on such Premises, and which may seem to him to be there for the Purpose of being mixed with any such Article of Food or Drink, would if so mixed make such Article injurious to the Health of Persons eating or drinking the same, he shall forthwith seize and carry away and warehouse the same in the Warehouse to be provided as herein-before mentioned; and if any such Inspector shall not be able to satisfy himself by any such Examination whether any Article of Food or Drink which he may so find on such Premises be or be not adulterated in manner before mentioned, or whether any Material which he may so find there would if so mixed as aforesaid make any such Article of Food or Drink injurious to the Health of Persons eating or drinking the same, he shall have Power to take there Two Samples of any such Article or Material, and One of such Samples he shall take away with him, and the other he shall deliver to the Person on whose Premises the same are so taken, or shall leave it for him with some Person having the Charge of such Premises; provided, that in every such Case such Inspector shall take such Samples fairly, and shall forthwith after taking the same seal up with an official Seal, and otherwise secure each of such Samples in such Manner as may best prevent it from being fraudulently tampered with, and shall also put upon it a distinguishing Mark by which it may be identified.

Samples to be sent to Chemical Food Examiner for Examination.

VIII. One of such Samples so sealed up and secured and marked as aforesaid shall be delivered by the Inspector taking the same to the Chemical Food Examiner of his District, with a written Order, under the Hand of such Inspector, to examine and analyse such Sample, and to certify the Result thereof to such Inspector; and such Chemical Food Examiner shall forthwith examine and analyse such Sample, and within .. Days from the Time of his having received the same shall deliver or cause to be delivered to the Inspector sending the same a Certificate, under the Hand of such Chemical Food Examiner, which shall state what, according to the Knowledge or Belief of such Examiner, is the Quality and Nature of such Sample considered as an Article of Food or Drink, or as a Material to be mixed with any Article of Food or Drink, and particularly whether, in the Opinion of such Examiner, in Cases where it is a Sample of an Article of Food or Drink, it be so adulterated as to be injurious to the Health of Persons eating or drinking the same, and in Cases where it is a Sample of a Material to be mixed with any Article of Food or Drink it would if so mixed make

Certificate of Chemical Food Examiner made Evidence.

make such Article injurious to Persons eating or drinking the same; and such Certificate shall refer to the Sample to which it applies by its distinguishing Mark, and shall, in the Absence of any Evidence to the contrary, be sufficient Evidence before the Justices or in any Court of Justice of the Matters therein certified.

Adjudication by Justices on Articles seized by Inspector.

IX. Within after any Inspector shall have made such Seizure of any Article of Food or Drink or Material as aforesaid, such Inspector shall cause a Complaint of an Offence against this Act by the Owner of any such Article or Material as aforesaid to be made before a Justice of the Peace, and thereupon such Justice shall issue a Summons requiring the Owner of the Articles or Materials so seized as aforesaid to appear before Two Justices and to answer such Complaint, and such Summons shall be served by delivering the same or a true Copy thereof upon the Premises where such Seizure was made; and if at the Time and Place appointed it be proved to the Satisfaction of such Justices that any Article of Food or Drink which had been so seized was adulterated with Ingredients which would make it injurious to the Health of Persons eating or drinking the same, or that any Material so seized as aforesaid was intended to be mixed with any Article of Food or Drink for the Purpose of Sale, and would if so mixed make such Article injurious to the Health of Persons eating or drinking the same, then such Justices shall and may, by an Order under their Hands and Seals, adjudge and order such Articles of Food or Drink or such Materials to be forfeited to the Local Authority for the District within which such Seizure was made; and if such Justices shall be satisfied that there were no Grounds for such Complaint they shall order the Articles of Food or Drink or Materials which have been so seized to be returned to the Owner thereof, and the Inspector seizing the same shall return such accordingly free of all Costs or Charges to such Owner.

Power for Justices to send Samples to the Food Analysts of the Board of Health.

X. If any Party on the hearing of any Complaint by the Justices under this Act shall object to the Truth of any Matters stated in the Certificate of the Chemical Food Examiner, and shall demand that such Matters be referred to the Food Analysts of the Board of Health by way of Appeal, it shall be lawful for the Justices before whom such Complaint is heard, in case they think proper, and the Party making such Demand shall consent to such Terms touching the Costs and Charges that may thereby be incurred as such Justices may deem reasonable, to order such Reference to be made, and to adjourn the Determination of the Complaint accordingly; and in that Case the Sample which has been already taken as aforesaid, or such other Sample, and to be taken at such Time and in such Manner as such Justices shall appoint, shall be transmitted to the General Board

of Health by such Justices for Examination and Analysis by One or more of the said Food Analysts of the said Board; and before transmitting the same, and in Presence both of the Complainant and Defendant, the Justices so transmitting such Sample shall seal with their Seal and otherwise secure the same in such Manner as shall be considered advisable by such Justices, in order to prevent it from being fraudulently tampered with, and shall also put upon such Sample a distinguishing Mark by which it may be afterwards identified.

Examination by and Certificate of the Food Analysts of the Board of Health.

XI. The said General Board of Health, so soon as it shall receive any Sample transmitted to it according to the Provisions of this Act, shall appoint One or more of the Food Analysts of the said Board to examine and analyse such Sample, who shall immediately examine and analyse the same accordingly, and shall, as soon as such Examination and Analysis have been completed, deliver to the said Board under his or their Hand a Certificate which shall refer to the Sample to which it relates by its distinguishing Mark, and shall state what, according to the Knowledge or Belief of the Party so certifying is the Quality and Nature of any such Sample considered as an Article of Food or Drink, or as a Material to be mixed with any Article of Food or Drink, in the same Manner as the District Chemical Food Examiner is herein-before directed to certify with respect to any Sample referred to him for Examination and Analysis; and such General Board of Health shall thereupon seal such Certificate with the Seal of the said Board, and shall then forward the same to the Justices by whom any such Sample was transmitted as aforesaid, free of all Fees and Charges; and every such Certificate shall be received before the Justices or in any Court of Justice as Proof conclusive of all Matters therein certified.

Disposal by Local Authority of forfeited Goods.

XII. All such Goods as shall be forfeited under the Provisions of this Act shall be dealt with by the Local Authority as follows; namely, if any such Goods, being Articles of Food or Drink, can by any Act or Process and at any reasonable Expense be made wholesome as Food or Drink, the said Local Authority shall do what may be necessary for causing the same to be so made wholesome, and shall then sell the same, and apply the Monies arising from such Sale on account of the Monies to be raised as above mentioned for carrying into execution the Purposes of this Act; and if any such Articles of Food or Drink cannot by any Act or Process, or at any reasonable Expense, be made wholesome as aforesaid, then such Local Authority shall cause the same to be destroyed; and as regards any Material which may be forfeited on the Ground that it was kept by the Owner thereof to be mixed with any Article of Food or Drink, and that as so mixed it would make such Article of Food or Drink injurious to the Health of Persons eating or drinking the same, such

Local

Local Authority shall, if the same Materials be commonly used and bought and sold for innoxious Purposes, sell the same and apply the Proceeds of such Sale in aid of the same Monies.

Power to the General Board of Health to make Rules as to the Use of Ingredients.

XIII. It shall be lawful for the said General Board of Health from Time to Time to make such Rules and Instructions as the said Board may think fit for regulating the Use of any Material or Ingredient which may be mixed with any Article of Food or Drink, and it shall be lawful for such Board from Time to Time in like Manner to revoke and alter any such Rules and Instructions; and all such Rules or Instructions, Revocations and Alterations, shall forthwith upon the issuing thereof be published *Three* Times at the least in the "London Gazette," and be laid before both Houses of Parliament, if Parliament be then sitting, and if not then within *One Month* after the Commencement of the then next Session of Parliament; and the "London Gazette" in which Rules or Instructions, Revocations or Alterations, were published shall be deemed sufficient Evidence that the same were duly made and published as aforesaid according to this Act, and every Person who shall wilfully violate any such Rules or Instructions, so made and in force for the Time being as aforesaid, shall forfeit for every such Offence a Sum not exceeding Pounds; and every Inspector shall within his District see to the Observance and Execution of such Rules and Instructions.

No Seller of any Articles of Food or Drink to be an Inspector or Analyser.

XIV. No Person exercising the Trade of selling, or who is concerned or employed in selling or in making and preparing for Sale, any Article of Food or Drink shall be qualified to be an Inspector, or Food Examiner, or Analyst, under the Provisions of this Act; and any Person who shall act as such Inspector or Food Examiner, or Analyst, when he is so disqualified, shall, upon Conviction, forfeit a Penalty not exceeding Pounds for every such Offence.

Penalty on Inspector for Breach of Duty.

XV. If any Inspector shall wilfully be guilty of any Extortion or Unfairness in the Execution of the Duties imposed upon him by this Act, or shall take or solicit, either directly or indirectly, any Sum of Money from any Person as a Bribe to do, or to omit doing any Act or Thing which he is empowered or ought to do, under the Provisions of this Act, or shall otherwise misconduct himself in the Execution of his Office, he shall upon Conviction forfeit and pay a Penalty not exceeding Pounds for every such Offence.

Penalty for obstructing

XVI. Every Person who shall wilfully obstruct or hinder any Inspector in entering searching or examining any Premises which he

Inspector in the Discharge of his Duty.

he is authorized by this Act to enter, search, or examine, or in taking any Samples which he is authorized by this Act to take, or in seizing and carrying away any Article of Food or Drink, or any Material or Materials which he is by this Act authorized to seize and carry away, or generally shall wilfully obstruct or hinder such Inspector in the lawful Exercise of any Powers given to him or Duty imposed upon him by this Act, shall for every such Offence forfeit a Penalty not exceeding Pounds.

Power to Local Authority to obtain Opinion of the Food Analysts of the Board of Health.

XVII. In every Case where the Local Authority shall be desirous of having an authoritative Judgment as to the Quality or Nature of any Article of Food or Drink, or of any Material suspected to be mixed with any Article of Food or Drink, it shall be lawful for such local Authority to transmit to the said General Board of Health any such Article of Food or Drink, or any such Material as aforesaid, or any Sample thereof, for Analysis by the said Food Analysts of the said Board, and the said Board on Receipt thereof shall direct such Food Analysts, or One or more of them, to examine and analyse the same, who accordingly shall examine and analyse the same, and shall report to the said Board the Result of such Examination or Analysis in a Certificate under his or their Hand, which Certificate shall state all such Matters and Things as are herein-before required to be stated in the Certificate which such Food Analysts are required to give by the Eleventh Section of this Act, and such Certificate shall immediately be forwarded by the said Board to the Local Authority soliciting the same, and that free of all Charge to such Local Authority.

Appeal to Quarter Sessions.

XVIII. Any Person whose Goods have been adjudged to be forfeited under this Act, or who has been convicted of any Offence punishable by this Act, may appeal to the next General or Quarter Sessions of the Peace which shall be held for the City, County, Town, or Place wherein such Judgment or Conviction shall have been made, provided that such Person enter into a Recognizance within *Two* Days next after such Conviction, with *Two* sufficient Sureties conditioned to try such Appeal, and to be forthcoming to abide the Judgment and Determination of the Justices at such General or Quarter Sessions, and to pay such Costs as shall be by such last-mentioned Justices awarded, and the Justices before whom such Conviction shall be had are hereby empowered and required to take such Recognizance, and the Justices at such General or Quarter Sessions are hereby authorized and required to hear and finally determine the Matter of every such Appeal, and they may according to their Discretion award such Costs to the Party appealing or appealed against as they shall think proper.

XIX. If

Where Conviction within Six Days of Quarter Sessions, Time allowed for Appeal.

XIX. If any such Conviction or Judgment or Order of Forfeiture shall happen to be made within *Six* Days before any General or Quarter Sessions of the Peace shall be held for the City, County, Town, or Place wherein such Conviction shall have been made, the Person who shall think himself aggrieved by any such Conviction may, on entering into a Recognizance in manner and for the Purposes before directed, be at liberty to appeal either to the then next or next following General or Quarter Sessions of the Peace which shall be held for any such City, County, Town, or Place wherein any such Conviction shall have been made.

As to Disposal of forfeited Goods in case of such Appeal.

XX. If any such Appeal shall be made as aforesaid against any such Order, or Judgment, or Forfeiture as aforesaid, the Goods to which such Judgment or Order relates shall, notwithstanding such Appeal, remain in the said Warehouse wherein they are herein-before directed to be lodged, there to await the Determination of such Appeal, save that if such Goods or any of them be of a perishable Nature, and can by any Act or Process, and at any reasonable Expense, be made wholesome as Food, the said Local Authority shall cause the same to be so made wholesome, and shall then sell the same, and keep the Monies arising from such Sale to await the Determination of such Appeal.

Recovery and Application of Penalties.

XXI. All Penalties authorized to be imposed by this Act may be recovered according to the Provisions of the Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "An "Act to facilitate the Performance of the Duties of Justices of the "Peace out of Sessions within England and Wales with respect to "summary Convictions and Orders;" and all Monies arising from Penalties under this Act, when paid or recovered, and which are not otherwise directed to be applied by this Act, shall be paid to the Local Authority entrusted with the Execution of this Act for the Place within which such Penalties may arise, to be applied by such Authority in aid of the Fund to be raised as before directed for the Purposes of this Act.

Proceedings not to be quashed for Want of Form.

XXII. No Order, Judgment, Conviction, or Proceeding made or had in or relating to the Execution of this Act, or touching or concerning any of the Matters herein contained, shall be quashed for Want of Form, or be removed or removable by Certiorari or any other Writ or Process whatsoever into any of the Superior Courts; and where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser on account of any Defect or Want of Form in the Summons, Information,

Conviction, Warrant of Distress, or any other Proceeding relating thereto, nor shall any such Party be deemed a Trespasser ab initio on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Irregularity may recover full Satisfaction for the special Damage (if any) by an Action on the Case.

Tender of Amends.

XXIII. No Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, or under any Authority hereby given, if Tender of sufficient Amends shall have been made by or on the Behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceeding, Order, and Adjudication shall be had and made by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Notice of Action.

XXIV. No Action, Suit, or other Proceeding shall be brought against any Inspector or other Person for anything done or omitted to be done under the Provisions of this Act until One Calendar Month after a Notice in Writing has been given to or left for him at his Office or usual Place of Abode, stating the Cause of Action or Complaint, and the Name or Place of Abode of the Person intending to bring such Action, Suit, or other Proceeding, and also of his Attorney in the Cause; and every such Action, Suit, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act or Omission complained of, and not afterwards, and the Defendant shall be allowed to plead the General Issue, and to give this Act and all special Matter in Evidence under such Plea.

Not to affect Rights, &c. of the City of London.

XXV. Nothing in this Act contained shall prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, Jurisdictions, or Authority of the Mayor and Commonalty and Citizens of the City of London, or their Successors, or the Lord Mayor of the said City for the Time being, nor prohibit, alter, or diminish any Power, Authority, or Jurisdiction which at the time of the *passing of this Act* the said Lord Mayor and Commonalty and Citizens, or the said Lord Mayor for the Time being, possess or lawfully claim by Custom, Charter, or otherwise, for the Regulation, Management, and Control of Markets, or the Sale of infected Meat.

XXVI. Any

XXVI. Any stipendiary Magistrate shall have full Power to do alone whatever Two Justices of the Peace are authorized by this Act to do. Stipendiary Magistrate to have same Power as Two Justices.

XXVII. In the Construction of this Act, the Words "Articles of Food or Drink" shall (if not inconsistent with the Context or Subject Matter) include not only all alimentary Substances, whether Solids or Liquids, but also all Eatables or Drinkables whatsoever not being Medical Drugs or Articles usually taken or sold as Medicines. Interpretation of Terms in Act.

XXVIII. This Act shall not extend to Scotland or Ireland. Extent of Act.

XXIX. This Act shall come into operation on the Day of Commencement of Act.

Adulteration of Food or Drink.

A

BILL

For preventing the Adulteration of Articles of Food or Drink.

(*Prepared and brought in by Mr. Scholefield, Viscount Goderich, Lord Claud Hamilton, and Mr. Wise.*)

Ordered, by The House of Commons, *to be Printed*, 25 *June* 1857.

[Bill 93.]

Under 2 *oz.*

A

BILL

TO

Repeal the Act Sixteenth and Seventeenth Victoria, Chapter Thirty; and to make better Provision for the Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law.

WHEREAS in the Session of Parliament holden in the Sixteenth and Seventeenth Years of Her Majesty's Reign an Act was passed, intituled "An Act for the better Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law:" And whereas the said Act has been found insufficient for the Protection of Women and Children from aggravated Assaults: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. That the said Act be and is hereby repealed. Repeal of Act.

Power of punishing on summary Conviction Assaults committed on Females, and Male Children under Fourteen Years of Age, extended.

II. When any Person shall be charged before Two Justices of the Peace sitting at a Place where the Petty Sessions are usually held, or before any Magistrate of the Police Courts of the Metropolis sitting at any such Police Court, or before any Stipendiary Magistrate elsewhere, with an Assault upon any Female whatever, or upon any Male Child whose Age shall not in the Opinion of such Justices or Police or Stipendiary Magistrates exceed *Fourteen* Years, either upon the Complaint of the Party aggrieved or otherwise, it shall be lawful for the said Justices or Police or Stipendiary Magistrate, if the Assault is of such an aggravated Nature that it cannot in their or his Opinion be sufficiently punished under the Provisions of the Statute Ninth George the Fourth, Chapter Thirty-one, to proceed to hear and determine in a summary Way, and if they shall find the same to be proved, to convict the Person accused; and every Offender so convicted shall be liable to be imprisoned in the Common Gaol or House of Correction, with or without Hard Labour, for a Period not exceeding *Two* Calendar Months nor less than *Fourteen* Days, and if a Male to be once privately whipped, in addition to such Imprisonment as aforesaid, and, if the Magistrate or Magistrates shall so think fit, shall be bound to keep the Peace and be of good Behaviour for any Period not exceeding *Six* Calendar Months from the Expiration of such Sentence; and such Conviction shall be a Bar to all future Proceedings, civil or criminal, for or in respect of the same Assault; and no Person convicted under this Act shall be entitled to appeal against such Conviction to the General Quarter Sessions of the Peace, anything to the contrary in any Statute notwithstanding.

Court of General or Quarter Sessions may, upon Proof of Conviction and Notice to Parties, declare a Recognizance to keep the Peace or to be of good Behaviour to be forfeited.

III. Where any Recognizance to keep the Peace or to be of good Behaviour is entered into by any Person, as Principal or Surety, before the Court of General or Quarter Sessions of the Peace of any County, Riding, Division, City, Borough, or Place, or before any Justice or Justices of the Peace of any County, Riding, Division, City, Borough, or Place, it shall be lawful for any such Court of General or Quarter Sessions of the Peace as aforesaid, upon Applications made to such Court, to declare such Recognizance to be forfeited, upon Proof of a Conviction of the Party bound by such Recognizance of any Offence which is in Law a Breach of the Condition of the same, and upon further Proof that a Notice in Writing, signed by the Person seeking to put such Recognizance in force, has, *Seven* clear Days before the Commencement of such Sessions, been personally served upon or left at the usual Place of Abode of the Party or each of the Parties (if more than One) who entered into such Recognizances, that an Application will be made to the said General or Quarter Sessions that the said Recognizance shall be declared forfeited; and if such Recognizance shall

shall be declared forfeited, all such Proceedings shall be had thereon as in the Case of a Recognizance forfeited at such Court of General or Quarter Sessions; and all the Provisions of the Act of the Third Year of King George the Fourth, Chapter Forty-six, and of the Act of the Fourth Year of the said King, Chapter Thirty-seven, applicable to a Recognizance so forfeited at such Court, shall apply to a Recognizance which shall, upon such Application and Proof as herein-before mentioned, be declared to be forfeited; and upon Notice in Writing of such intended Application to the said General or Quarter Sessions being given to any Justice or Justices before whom any such Recognizance shall have been taken, *Four* clear Days before the Commencement of the said Sessions, the said Justice or Justices shall transmit the said Recognizance to the Clerk of the Peace of the County, Riding, Division, City, Borough, or Place within which the said Recognizance shall have been taken, with a Certificate that the said Recognizance is sent to him by reason of such last-mentioned Notice having been so given as aforesaid,

Detention of Persons committed to Prison for not entering into Recognizance limited.

IV. No Person committed to Prison under any Warrant or Order of One Justice of the Peace for or on account of not entering into Recognizances or finding Sureties to keep the Peace, or to be of good Behaviour, shall be detained under such Warrant or Order for more than *Twelve* Calendar Months from the Time of such Commitment.

Indictments for Misdemeanor not to be removed by Certiorari, except on Affidavit that a fair Trial cannot be had.

V. And whereas by reason of the Establishment of a Court of Criminal Appeal the Removal of Indictments by Writ of Certiorari is seldom necessary for the Decision of Questions of Law, but is nevertheless sometimes resorted to for Purposes of Expense and Delay: Be it enacted, That no Indictment, except Indictments against Bodies Corporate not authorized to appear by Attorney in the Court in which the Indictment is preferred, shall be removed into the Court of Queen's Bench, or into the Central Criminal Court, by Writ of Certiorari, either at the Instance of the Prosecutor or of the Defendant (other than the Attorney General acting on behalf of the Crown), unless it be made to appear to the Court from which the Writ is to issue, by the Party applying for the same, that a fair and impartial Trial of the Case cannot be had in the Court below, or that some Question of Law of more than usual Difficulty and Importance is likely to arise upon the Trial, or that a View of the Premises in respect whereof any Indictment is preferred, or a Special Jury, may be required for the satisfactory Trial of the same.

No Certiorari to issue to remove Indictment,

VI. And whereas it is expedient to make further Provision for preventing the vexatious Removal of Indictments into the Court of Queen's Bench: Be it therefore enacted, That whenever any Writ of Certiorari

unless Recognizance given for Payment of Costs.

Certiorari to remove an Indictment into the said Court shall be awarded at the Instance of a Defendant or Defendants, the Recognizance now by Law required to be entered into before the Allowance of such Writ shall contain the further Provision following; that is to say, that the Defendant or Defendants, in case he or they shall be convicted, shall pay to the Prosecutor his Costs incurred subsequent to the Removal of such Indictment; and whenever any such Writ of Certiorari shall be awarded at the Instance of the Prosecutor, the said Prosecutor shall enter into a Recognizance (to be acknowledged in like Manner as is now required in Cases of Writs of Certiorari awarded at the Instance of a Defendant) with the Condition following; that is to say, that the said Prosecutor shall pay to the Defendant or Defendants, in case he or they shall be acquitted, his or their Costs incurred subsequent to such Removal.

How Costs to be taxed and recovered.

VII. The Costs herein-before respectively mentioned shall be taxed according to the Course of the Court of Queen's Bench; and for the Recovery thereof the Persons entitled thereto shall, at the Expiration of *Ten* Days after Demand made of the Person or Persons at whose Instance the Writ of Certiorari was awarded, and on Oath made of such Demand and Refusal of Payment, have a Writ of Attachment granted against him or them by the Court of Queen's Bench for such Contempt; and the said Court shall and may also order the said Recognizance to be estreated into the Exchequer.

If no Recognizance given, Court to try as if no Certiorari awarded.

VIII. If the Person or Persons at whose Instance any Writ of Certiorari shall be awarded shall not, before the Allowance thereof, enter into such Recognizance as is herein-before provided, the Court to which such Writ may be directed shall and may proceed to the Trial of the Indictment, as if such Writ of Certiorari had not been awarded.

Not to apply to certain Certioraris awarded.

IX. This Act shall not extend to any Writ of Certiorari awarded at the Instance of Her Majesty's Attorney General.

Secretary of State may issue his Warrant for bringing up a Prisoner (not in Custody under Civil Process) to give Evidence.

X. It shall be lawful for One of Her Majesty's Principal Secretaries of State, or any Judge of the Court of Queen's Bench or Common Pleas, or any Baron of the Exchequer, in any Case where he may see fit to do so, upon Application by Affidavit, to issue a Warrant or Order under his Hand for bringing up any Prisoner or Person confined in any Gaol, Prison, or Place, under any Sentence or under Commitment for Trial or otherwise, (except under Process in any Civil Action, Suit, or Proceeding,) before any Court, Judge, Justice, or other Judicature, to be examined as a Witness in any Cause or Matter, civil or criminal, depending or to be inquired of or determined in or before such Court, Judge, Justice, or Judicature; and the Person required

required by any such Warrant or Order to be so brought before such Court, Judge, Justice, or other Judicature shall be so brought under the same Care and Custody, and be dealt with in like Manner in all respects, as a Prisoner required by any Writ of Habeas Corpus awarded by any of Her Majesty's Superior Courts of Law at Westminster to be brought before such Court to be examined as a Witness in any Cause or Matter depending before such Court is now by Law required to be dealt with.

XI. This Act shall not extend to Scotland or Ireland. Extent of Act.

Aggravated Assaults.

A

B I L L

To repeal the Act Sixteenth and Seventeenth Victoria, Chapter Thirty; and to make better Provision for the Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law.

(*Prepared and brought in by Mr. Dillwyn, Mr. Bentinck, and Viscount Raynham*).

Ordered, by The House of Commons, *to be Printed*, 12 *May* 1857.

[Bill 12.]

Under 1 *oz.*

Agricultural Statistics Bill.

ARRANGEMENT OF CLAUSES.

Sect.

1. Yearly Return of Land and Kinds of Produce. Schedule, Form A.
2. Overseers to furnish Extracts from Rate Book. Schedule, Form B.
3. Appointment of Collectors and Receivers of Returns; and,
4. Of Inspectors of Agricultural Statistics.
5. Occupiers to make Returns either to Collector, or direct to Registrar General through the Post Office.
6. Occupiers not making Returns, Information may be obtained by other Means.
7. Particulars of individual Returns shall not be divulged.
8. Abstract of Returns to be made and published.
9. Right of Inspection of Rate Books and Tithe Commutation Map, and Apportionment of Rentcharge.
10. Allowances and Expenses.
11. Penalties on Persons appointed or employed under this Act.
12. Forfeitures to be recovered summarily.

    Application of Forfeitures.
13. Construction of Terms in this Act.
14. Short Title.

SCHEDULES.

FORM A. Return from Occupiers of Land.

FORM B. Extract from Poor's Rate.

A

BILL

TO

Provide for the Collection of Agricultural Statistics in England and Wales.

Preamble.

WHEREAS it is expedient that Provision be made for ascertaining yearly the Extent of Land under each Kind of Crop in England and Wales: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Yearly Return of Land and Produce.

I. The Registrar General shall every Year take Measures to obtain Returns, referring to the *First Day of June* in such Year, of the Particulars set forth in the Form A. in the Schedule annexed to this Act, in regard to the Land held by each Occupier in England and Wales.

Overseers to furnish Extracts from Rate Book. Schedule B.

II. On or before the *First Day of February* in every Year the Overseers of the Poor of every Parish shall make, and certify by their Signatures, and transmit by Post or otherwise to the Registrar General, an accurate Extract, according to the Form B. in the Schedule annexed to this Act, of the Rate then last made for the Relief of the Poor, so far as required by the Terms of such Form; and such Overseers shall add to such Extract a Note of all Changes in respect of any of the Matters described therein that have come to their Knowledge since the making of the said Rate.

Appointment of Collectors and Receivers of Returns;

III. The Registrar General may employ any of the Registrars, Superintendent Registrars, or other Officers under him, and such other Persons as he shall think fit, to distribute to the Occupiers of Land, and to collect and receive the Returns, and otherwise to execute the Purposes of this Act, all which shall be done in such Form and Manner as the Board of Trade shall direct.

and of Inspectors of Agricultural Statistics.

IV. The Registrar General shall, with the Approbation of the Commissioners of Her Majesty's Treasury, appoint One or more competent Person or Persons to act under his Direction as Inspector or Inspectors of Agricultural Statistics, who shall make District Visits from Time to Time, and shall be empowered to test the Accuracy of Returns, and to make such further Investigations and perform such other Duties in strict Connection with the Objects of this Act, as the Registrar General or the Board of Trade may deem necessary or expedient, and such Inspectors shall be removable by the Registrar General.

Occupiers to fill up Form A.

V. Every Occupier shall fill up the Return supplied to him by inserting the Particulars therein specified, and shall sign and return the same to the Person appointed to collect such Returns at the Time and in the Manner to be notified thereon, or such Occupier may appoint some other Person in his Behalf to fill up and sign such Return, in which Case the Person so signing shall state in Writing that he signs the same by Appointment of such Occupier, or any Occupier may transmit the Return, so filled up and signed, direct to the Registrar General through the Post Office.

Occupier neglecting to make a correct Return, Land may be entered and inspected.

VI. If any Occupier do not duly make such Return so filled up and signed within the Time mentioned thereon, or in case of Doubt as to the Accuracy of any Return, any Person or Persons thereto authorized by the Registrar General, or by the Superintendent Registrar of the District, may proceed to obtain by other Means the Particulars required, and after *Three* Days Notice may and are hereby authorized at any Time or Times during the Day to enter upon and inspect the Lands of such Occupier, doing no wilful Damage to the growing Crops, for the Purpose of ascertaining such Particulars, and shall not be liable to Action for Trespass, or any other Action or Proceeding for so doing.

Particulars of individual Returns not to be divulged.

VII. In no Case shall Publicity be given by any Officer or Person employed in the Execution of this Act to the Particulars of any Return made or Information obtained under the same, nor shall any of such Particulars be divulged to any private Person, or used for any Purpose other than the Ascertainment of general statistical Results in the Manner contemplated by this Act.

VIII. As

VIII. As soon as may be after such Returns are obtained the Registrar General shall cause Abstracts thereof to be prepared and arranged in the Order of Counties, and shall deliver the Abstracts so made to the Board of Trade, all in such Form and Manner as the Board shall direct, and the same shall be published by the Board not later than the *First Day of August* in each Year. Abstracts to be made and published.

IX. Every Person appointed to assist in carrying this Act into execution shall at all reasonable Times, while employed in the Execution of this Act, be authorized and entitled to demand and inspect the Poor's Rate Books of every Parish within which he is appointed to act, and to make Copies and Extracts therefrom for the Purposes of this Act, without paying anything for the same, and also to demand and inspect the Parish or Tithe Commutation Map, and the Apportionment of the Rentcharge in lieu of Tithes, of any Parish or Place within which he is appointed to act, and to make any Measurements or Tracings from such Map, or Notes from such Map or Apportionment, for the Purposes of this Act, without paying anything for the same. Inspection of Rate Book and Parish and Tithe Commutation Maps.

X. The Commissioners of Her Majesty's Treasury shall make such Payments and Allowances as they shall think fit to the Persons employed in carrying this Act into execution; and all such Payments and Allowances, and all other Expenses incurred under the Provisions of this Act, shall be defrayed out of Monies to be provided by Parliament for that Purpose. Allowances and Expenses.

XI. If any Overseer neglect to transmit to the Registrar General, on or before the First Day of February in any Year, the Extract from the Rate Book required by this Act; Penalties.

Or if any Overseer or other Person having the Custody of the Poor Rate Books of any Parish do not, on the reasonable Demand of any Person entitled to inspect the same for the Purposes of this Act, permit such Person to inspect the same, or to make any Copy or Extract therefrom;

Or if any Churchwarden or other Person having the Custody of the Parish or Tithe Commutation Map or Apportionment of Rentcharge of any Parish or Place do not, on the Demand of any Person entitled to inspect the same for the Purposes of this Act, permit such Person to inspect the same, or to make any Measurements or Tracings from such Map, or Notes from such Map or Apportionment for the said Purposes;

Or if any Person appointed or employed to distribute, collect, or receive Returns under this Act do not duly and faithfully distribute,

tribute, collect, receive, or dispose of the same in pursuance of this Act and the Instructions of the Registrar General;

Or if any Officer or Person employed in the Execution of this Act shall culpably be accessory to any Publication, Divulgence, or improper Use of Returns or Information in contravention of this Act;

Every such Overseer, Churchwarden, Officer, or other Person so offending shall be liable to forfeit a Sum not exceeding *Five Pounds*.

Forfeitures to be recovered summarily; not to be sued for, except within Six Months. Application of Forfeitures.

XII. Every Forfeiture incurred by reason of the Commission of any Offence under this Act may be recovered on a summary Conviction thereof before any Two Justices of the Peace;

But no Proceedings for the recovering of any such Forfeiture shall be commenced, except within *Six* Months after the Commission of the Offence;

All Forfeitures recovered under this Act shall be paid to the Registrar General, and accounted for by him to the Commissioners of Her Majesty's Treasury.

Construction of Terms in this Act.

XIII. In the Construction of this Act the following Words shall have the respective Meanings hereby assigned to them when such Meanings are not inconsistent with the Context and the Subject Matter; (that is to say,)

The "Registrar General" shall mean the Registrar General of Births, Deaths, and Marriages in England and Wales:

The "Board of Trade" shall mean the Lords of the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

"Occupier" shall mean every Occupier of not less than Two Statute Acres of Land in England and Wales:

"Parish" shall include any Township or Village or other Place rated to the Poor, or Extra-parochial Place:

"Statute Acre" shall mean an Acre of Land containing Four thousand eight hundred and forty Square Yards computed by the Imperial Standard Measure.

Short Title.

XIV. In citing this Act it shall be sufficient to name it as "The Agricultural Statistics Act, 1857."

SCHE-

SCHEDULE to which the foregoing Act refers.

FORM A.

County of
Parish, Township, or Place

No. of Return.

AGRICULTURAL STATISTICS.

Return to be made by Occupiers of Land as at 1st June 18 , being a true Return for Land in the Occupation of _____

	Statute Acres.
Wheat	
Barley or Bere	
Oats	
Beans and Peas	
Other Corn Crops	
Potatoes	
Turnips, and Fallow for Turnips	
Mangold	
Other Green Crops	
Bare Fallow	
Hops	
Clover, Lucerne, and other artificial Grasses	
Pasture	
Meadows	
Sheep Walks and Downs	

Dated 18 .

Signature of Occupier _____.

Note.—This Return is required by the Act of Parliament (20 & 21 Vict. c. .) It is to be accurately filled up on the First Day of June next, and to be returned [*insert the Directions of the Registrar General*] on or before the 10th Day of June 18 .

[*Copy Clauses VI. and VII.*]

FORM B.

EXTRACT made under the Provisions of the Act the 19 & 20 Vict. c. ., from the Assessment for the Relief of the Poor of the Parish of _____ in the County of _____, made the _____ Day of _____ in the Year 18__.

No.	Name of Occupier.	Name or Situation of Property.	Estimated Extent.
			A. R. P.

We hereby certify, that the foregoing is an accurate Extract and Copy of the last Rate made for the Relief of the Poor of the before-named Parish, so far as the said Rate relates to Occupiers of Land of the Extent of _____ Statute Acres or more.

But since the said Rate was made, it has come to our Knowledge that the following Changes have taken place in the Occupation of the Properties referred to in the foregoing Extract, viz.:

No.	Name of Occupier.	Name or Situation of Property.	Estimated Extent.
			A. R. P.

_____ } Overseers.

_____ } Churchwardens.

Agricultural Statistics.

A

B I L L

To provide for the Collection of Agricultural Statistics in England and Wales.

(*Prepared and brought in by Mr. Caird and Mr. Garnett.*)

Ordered, by the House of Commons, *to be Printed*, 21 *July* 1857.

[Bill 146.]

Under 2 *oz.*

4 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

TO

Explain and amend the Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England.

WHEREAS Doubts are and may be entertained whether the several Provisions of the Act Ninth of George the Fourth, Session Two, Chapter Sixty-one, intituled "An "Act to regulate the granting of Licences to Keepers of Inns, "Alehouses, and Victualling Houses in England," extend to Towns Corporate which have a separate Commission of the Peace but not a separate Court of Quarter Sessions, and it is expedient that such Doubts should be removed and the said Act amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited for all Purposes as "The Alehouse Licensing Amendment Act, 1857." Short Title.

II. The several Powers and Provisions of the said recited Act which now apply to any Town Corporate in England having a separate Court of Quarter Sessions, and to the Justices of the Peace acting in and for such Town Corporate, shall, after the *passing of this Act*, Recited Act to extend to Towns Corporate having a separate Com-

mission of the Peace.

Act, also apply to every Town Corporate in England having a separate Commission of the Peace without a separate Court of Quarter Sessions, and to the Justices of the Peace acting in and for such Town Corporate under such separate Commission of the Peace, and to the Mayor and Ex-Mayor of such Town Corporate acting as Justices of the Peace thereof; and for this Purpose, in the Construction of the said recited Act, the Words "Town Corporate" and the Words "County or Place" shall, in addition to the Meanings given or assigned to them under or by the said Act, be deemed to include every Town Corporate in England having a separate Commission of the Peace, as well as every Town Corporate in England having a separate Court of Quarter Sessions, anything in the said recited Act or in any other Act to the contrary notwithstanding.

Justices of County not to act except when Borough Justices disqualified.

III. After the *passing of this Act* nothing in the said recited Act contained shall extend to give the Justices of the County or Place in which any Town Corporate having a separate Commission of the Peace shall be situate any Power or Authority for putting the said recited Act in execution within such Town Corporate, except when by reason of Disqualification of Justices of the Town Corporate the Justices of the County are by Section Seven of the said recited Act empowered to act with the Justices not disqualified of such Town Corporate, and except in Cases of Appeal under Section Twenty-seven of the said Act from the Decision of the Town Corporate Justices at the Quarter Sessions of the County or Place in which such Cause of Appeal shall have arisen.

Appeal may be made to the Quarter Sessions of the County.

IV. Any Person who shall think himself aggrieved by any Act of any Justice acting under a separate Commission of the Peace for any Town Corporate in England, or of any Mayor or Ex-Mayor of any such Town Corporate acting as a Justice of the Peace thereof, done in or concerning the Execution of the said recited Act, may appeal against such Act to the next General or Quarter Sessions of the Peace holden for the County, Riding, or Division wherein the Cause of such Complaint shall have arisen, unless such Session shall be holden within *Twelve* Days next after such Act shall have been done, and in that Case to the next subsequent Session holden as aforesaid; and all the Provisions of the said recited Act with respect to Appeals under that Act shall apply to Appeals under this Act.

In Towns Corporate Precepts may be directed to any Constable.

V. The Precept of the Justices of any Town Corporate having a separate Commission of the Peace, appointing the Day, Hour, and Place upon and in which the General Annual Licensing Meeting for such Town Corporate shall be holden, and also the Precept or Notice fixing the Adjournment of such Meeting or fixing the Special Sessions

for

for transferring Licences, may be directed to any Constable appointed by the Watch Committee of such Town Corporate, and if there be no such Constable then to any Constable empowered to act as such within such Town Corporate; and every Constable to whom any such Precept shall be directed shall be deemed a High Constable within the Meaning of the said recited Act, and shall, for all the Purposes thereof and of this Act, exercise the Powers and be subject to the Penalties thereby imposed on the High Constable of any Division or Place.

VI. The several Provisions of the Act Five and Six of Victoria, Chapter Forty-four, for the Transfer of Licences and Regulation of Public Houses, shall apply to any Licences to sell exciseable Liquors by Retail in any Corporate Town in England which may be granted under or in pursuance of the Power of the said first-recited Act and this Act.

5 & 6 Vict. c. 44. to extend to Licences under this Act.

Alehouse Licensing.

A

BILL

To explain and amend the Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England.

(Prepared and brought in by Mr. FitzRoy, Mr. Atherton, and Mr. Warren.)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1857.

[Bill 42.]

Under 1 *oz.*

25 *June* 1857. 20 & 21 Vict.

(Scotland.)

A

BILL

TO

Improve and render less expensive the Mode of imposing and collecting Assessments in Scotland.

Preamble.

WHEREAS various County and Burgh and Parochial and other local Assessments are at present collected separately in Scotland, and it would be of Advantage, and lessen the Expense and Trouble attending such Assessments, if Provision were made for enabling Counties and Burghs and other assessing Bodies in Scotland to levy and collect their local Assessments together: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Commissioners of Supply of Counties and Magistrates of Burghs may arrange with assessing Bodies for a united Collection of all Assess-

I. It shall be lawful for the Commissioners of Supply of any County or the Magistrates of any Burgh in Scotland, at any Meeting called for the Purposes of this Act, to resolve that the whole or any Number of the local Assessments levied upon or according to the Real Rent or yearly Value of Lands and Heritages within such County or Burgh respectively, or any Parishes, Districts, or Divisions thereof, shall be collected together or in connexion with each other; and such Resolution shall receive

ments levied on the Real Rent.

Effect as to every local Assessment comprehended in such Resolution: Provided always, that where such Commissioners of Supply or Magistrates are not themselves at the Date of such Resolution the assessing Body with respect to any Assessment comprehended in such Resolution, the Operation of the same shall, as regards such last-mentioned Assessment, be suspended until the Consent of the assessing Body be obtained: Provided also, that such Consent may be granted with and under such Qualifications and Limitations and subject to such Arrangements as may be agreed upon between the assessing Body and the Commissioners of Supply or Magistrates; and such Qualifications, Limitations, and Arrangements may be afterwards varied or cancelled by joint Consent, and shall receive Effect in so far as the same shall not be inconsistent with the Special Act or with this Act: Provided further, that every such Resolution shall, within *Fourteen* Days of the Date thereof, be advertised by the Clerk of Supply of the County or Town Clerk of the Burgh, as the Case may be, in the Edinburgh Gazette, and also in One or more Newspapers published or circulating in the County or Burgh respectively.

Where such united Collection to be made, the Commissioners of Supply, and Magistrates, &c. to levy the united Assessments.

II. Upon the passing of any such Resolution, with Consent as aforesaid, where such Consent is by this Act required, and from and after such Date as may be fixed in the Resolution, the Commissioners of Supply or Magistrates, as the Case may be, shall possess and be charged with the Powers, Duties, and Functions of the assessing Body, in so far as relates to levying and collecting such Assessments; and the Assessors, Collectors, and other Officers and Servants of the assessing Body shall, as regards levying and collecting such Assessments, be the Officers and Servants of such Commissioners of Supply or Magistrates, as the Case may be, in so far as their Services may be required for the Purposes of this Act, and shall be bound to perform whatever Duties and Functions may be required of them by the Commissioners of Supply or Magistrates respectively in relation to the levying and collecting any Assessments in Terms of this Act: Provided always, that no such Resolution shall have the Effect of transferring to any such Commissioners of Supply or Magistrates any Power which may be vested in any assessing Body to impose any Assessment.

Commissioners of Supply and Magistrates may collect any Number of Assessments by the same Officers

III. It shall be lawful for the Commissioners of Supply of any County or the Magistrates of any Burgh charged under this or any other Act of Parliament with the assessing, levying, and collecting of more than One local Assessment levied upon or according to the Real Rent or yearly Value of Lands and Heritages within such County or Burgh respectively, or any Parishes, Districts, or Divisions thereof,

to

to assess, levy, and collect the same or any Number thereof together or in connexion with each other, by means, wholly or partly, of the same Assessors, Collectors, Officers, and Servants, and to make up One Assessment Book or Assessment Roll, for the whole of such Assessments or any Number thereof: Provided always, that all Notices of Assessment, and all such Assessment Books or Rolls, applicable to such combined Assessments, shall set forth and distinguish what Amount or Proportion thereof applies separately to each of such combined Assessments.

and Servants, and by means of the same Assessment Books, &c.

IV. As soon as the Commissioners of Supply of any County or the Magistrates of any Burgh shall have levied and collected, under the Powers in this Act, any Assessments, together or in connexion with each other, as aforesaid, such Commissioners of Supply or Magistrates, as the Case may be, shall apportion the annual Sums levied and collected among the Persons severally entitled to receive the same under the several Special Acts applicable to such Assessments respectively, and such Persons shall have all the like Recourse and Remedy against such Commissioners of Supply or Magistrates, as the Case may be, as they would have had under the Special Act against the assessing Body under such Act if this Act had not been passed or come into operation in such County or Burgh: Provided always, that such Commissioners of Supply or Magistrates, as the Case may be, levying and collecting any Assessment under the Powers of this Act, shall be entitled to retain any Sums necessary in order to defray Expenses of Collection, and to apply the same for their Reimbursement of all such Expenses properly incurred by them; and in the event of any Sums collected to defray Expenses as aforesaid proving more than adequate for that Purpose, any Excess so arising in any One Year shall go in part of the Expenses of Collection to be incurred in any subsequent Years; and in the event of any Sums so collected proving in any Year insufficient to meet such Expenses, it shall be competent to the Commissioners of Supply or Magistrates, if such Deficiency be not otherwise provided for, to add the Amount of such Deficiency to the Amount to be collected in any subsequent Year for the Purposes of the Special Act with reference to which such Deficiency arises, and to apply the Proceeds of such additional Assessment to supply such Deficiency: Provided also, that in the event of any Dispute or Difference arising between any such Commissioners of Supply or Magistrates, as the Case may be, and any other Person or Persons, in regard to the just and proper Amount of any such Expenses, or of the Addition to be made to any Assessment in respect thereof, or in regard to any other Matter or Thing in the Execution of this Act, such Dispute

Commissioners of Supply and Magistrates to divide and apportion Assessments collected together under this Act.

or Difference may be summarily decided by the Sheriff of the County, on an Application by such Commissioners or Magistrates as the Case may be, or by such other Person or Persons; and such Decision shall be final and not subject to Review.

Assessment Committee may be appointed with all or any of the Powers of the Commissioners of Supply and Magistrates.

V. It shall be lawful for the Commissioners of Supply of any County, and the Magistrates of any Burgh, from Time to Time, and for such Time as they think proper, to appoint a Committee, consisting of not more than *Nine* nor less than *Three* of their own Number, who shall be called "The Assessment Committee;" and such Committee, when appointed, shall have all or such and so many of the Powers and Authorities given to the Commissioners of Supply and Magistrates respectively by this Act as they shall think proper to delegate to such Committee; and any *Two* of such Assessment Committee shall be a Quorum, and be entitled to exercise all the Powers of such Committee; and at all Meetings of such Committee the Majority present and voting shall decide; and where the Votes of those present shall be equal, the Convenor of the County, or the Chief Magistrate of the Burgh, if a Member of the Assessment Committee, and present at such Meeting, and otherwise any Member chosen by the said Committee to be Preses of the Meeting, shall have a Casting Vote.

Officers on whom additional trouble or Responsibility may devolve under this Act to be remunerated.

VI. Where, in regard to any Assessor, Collector, or other Officer or Servant whose Services shall be transferred under this Act from some other assessing Body to the Commissioners of Supply of any County or Magistrates of any Burgh, any Difference shall arise as to the Amount of any additional Remuneration reasonably claimable by such Assessor, Collector, Officer, or Servant, by reason of additional Trouble or Responsibility imposed on him under this Act, such Difference shall be referred to the Sheriff of the County, who shall decide the Matter summarily, on the Application of either of the Parties, and his Decision shall be final, and not subject to Review.

Provision as to Assessments directed by Act of Parliament to be levied along with someexisting Assessment.

VII. Where by any Act of Parliament Power is given to levy any Assessment, or to defray any Expenditure, or Costs, Charges, or Expenses, out of an Assessment to be levied along with or in like Manner or under the like Powers as any other Assessment existing at the passing of such Act, it shall be lawful for the local or other Authority charged with the Execution of such Act to impose an Assessment within the Limits allowed by such Act for the Purposes thereof; and it shall be the Duty of the assessing Body charged with the assessing, levying, and collecting such other Assessment, whenever required by such local or other Authority, to assess, levy,

levy, and collect along with such other Assessment the Assessment so to be imposed, and to pay over the same, when collected, to such local or other Authority, for the Purposes of such Act; and every Assessor, Collector, and other Officer and Servant employed under such assessing Body in or for the assessing, levying, or collecting of such other Assessment is hereby required and bound to act as such Assessor, Collector, Officer, or Servant in regard to any Assessment so to be imposed: Provided always, that every such Assessor, Collector, Officer, and Servant shall be entitled to reasonable Remuneration from such local or other Authority for any additional Trouble or Responsibility so to be incurred; provided also, that such local or other Authority shall be held for the Purposes of this Act to be the assessing Body in regard to any Assessment so to be imposed.

Ordinary Assessments under 8 & 9 Vict. c. 83. to be imposed in January yearly.

VIII. Notwithstanding the Period prescribed for fixing the ordinary Assessments to be assessed and levied under the Act of the Eighth and Ninth Years of Her Majesty, Chapter Eighty-three, it shall be lawful to impose such Assessments under the said Act annually in the Month of January for the Year ending at the Term of Whitsunday immediately following, and the Fortieth Section of the said Act is hereby so far altered and repealed as to carry this Enactment into effect, but no further: Provided always, that this Enactment shall not apply to any additional Assessment which may be imposed under the Forty-first Section of the said Act.

Interpretation.

IX. The following Words and Expressions used in this Act shall in the Construction thereof be interpreted as follows, except where the Nature of the Provision or the Context shall be repugnant to such Construction; that is to say, the Expression "local Assessment" shall mean and include any Assessment leviable in Scotland, or in any County, Burgh, Parish, District, Division, or Subdivision thereof, under any Act of Parliament applicable exclusively to Scotland; the Expression "assessing Body" shall mean and include all or any Person or Persons intrusted or charged with the assessing, levying, or collecting any local Assessment; the Expression "Special Act" shall mean any Act of Parliament authorizing the assessing, levying, and collecting any particular Assessment; the Word "Burgh" shall include and apply to Cities, Burghs, and Towns which are Royal Burghs, or which send or contribute to send a Member to Parliament; the Expression "Magistrates of Burghs" shall include the Lord Provost or Provost or Chief Magistrate and Magistrates and Councils of Burghs, and all Persons being Members for the Time of such Magistracy or Council; the Expression "Lands and Heritages" shall have the like Meaning as in the Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Ninety-one; the

Word "Sheriff" shall include every Sheriff, Steward, Sheriff Substitute, and Steward Substitute; and the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate.

Repeal of Laws, &c.

X. All Laws, Statutes, and Usages are hereby repealed, so far as necessary to give Effect to the Provisions of this Act, but no further or otherwise.

Assessments (Scotland).

A

B I L L

To improve and render less expensive the Mode of imposing and collecting Assessments in Scotland.

(*Prepared and brought in by The Lord Advocate and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 25 *June* 1857.

[Bill 88.] *Under* 1 *oz.*

A

BILL

TO

Regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases.

WHEREAS in certain of Her Majesty's Colonies and Dependencies the System of Jurisprudence is founded on or assimilated to that administered in England, and the Attornies and Solicitors of the Superior Courts of Law and Equity in England are admitted as Attornies and Solicitors in the Courts of Law and Equity of such Colonies and Dependencies, on Production of their Certificates of Admission in the English Courts aforesaid; and it is considered just and expedient to afford Facilities to the Attornies and Solicitors of the Superior Courts in certain Colonies and Dependencies for obtaining Admission in Her Majesty's Courts of Law and Equity in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Colonial Attornies Relief Act." Title of Act.

When Act to come into operation.

II. This Act shall not take effect until Her Majesty has, by Order in Council, to be made as herein-after mentioned, directed the same to come into operation in respect to One or more of Her Majesty's Colonies or Dependencies.

Attornies and Solicitors of Colonial Courts to be admitted to Courts of Law and Equity in England.

III. All Persons who, being Subjects of the British Crown, have been or shall hereafter be duly admitted and enrolled as Attornies and Solicitors in the Superior Courts of Law and Equity in those of Her Majesty's Colonies or Dependencies where the System of Jurisprudence is founded on or assimilated to the Common Law and Principles of Equity as administered in England, and where full Service under Articles of Clerkship to an Attorney-at-Law for the Space of *Five* Years at the least, and an Examination to test the Qualification of Candidates, are or may be required previous to such Admission, save only in the Case of Persons previously admitted as Attornies or Solicitors in the Superior Courts of Law or Equity in England, such Colonies or Dependencies to be from Time to Time specified in and by Order in Council, as herein-after provided, shall and may be admitted and enrolled Attornies in all or any of the Courts of Queen's Bench, Common Pleas, and Exchequer, and other Courts in England, and Solicitors in the High Court of Chancery in England, subject as herein-after provided.

Persons to be examined &c. previous to Admission as Attornies or Solicitors.

IV. No Person shall be deemed qualified to be admitted as Attorney or Solicitor, under the Provisions of this Act, unless he shall pass such Examination to test his Fitness and Capacity as herein-after provided, and shall produce at such Examination a Certificate from the presiding Judge of the Superior Court of Common Law in the Colony or Dependency where such Person shall have been duly admitted an Attorney and Solicitor, in the Form or to the Effect as contained in Schedule (A.) hereunto annexed, and shall further make Affidavit (in such Manner as shall be provided by Order or Regulation to be made by the Judges of the Superior Courts of Common Law, and the Master of the Rolls respectively, as herein-after provided,) that he is resident within the Jurisdiction of the said Superior Courts of Law and Equity in England, and that he has ceased to practise as Attorney or Solicitor in any Colonial Court of Law.

Judges of Courts of Common Law to appoint Examiners.

V. It shall be lawful for the Judges of the Courts of Queen's Bench and Common Pleas and Exchequer, or any *Three* or more of them, as and when any Person shall, under the Provisions of this Act, seek to be admitted as an Attorney, and not as a Solicitor also, and for the Master of the Rolls, as and when any Person shall seek as aforesaid to be admitted as a Solicitor, and not as an Attorney also, and for the said Judges or any *Three* or more of them, and the Master

Master of the Rolls, jointly, when any Person shall seek as aforesaid to be admitted as an Attorney and Solicitor, and he and they are hereby authorized and required, at any Time before he and they shall admit or issue a Fiat for the Admission of any such Person as aforesaid, to examine and inquire by such Ways and Means as he or they shall think proper touching the Qualification and the Fitness or Capacity of such Person to act as an Attorney or Solicitor, or as an Attorney and Solicitor, and for that Purpose it shall be lawful for him or them, from Time to Time as Application for Admission as aforesaid shall be made, to appoint such Persons as Examiners, and to make such Orders and Regulations for conducting such Examination, as he or they shall think proper; and if by any such Examination any of the Judges of the said Courts of Common Law shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as an Attorney, then, and not otherwise, any one of the said Judges shall and he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be administered to Attornies in England, and after such Oaths taken to cause him to be admitted an Attorney of such Courts, which Admission shall be written on Parchment, and signed by such Judge, and shall be stamped with the Stamps by Law required to be impressed on the Admission of Attornies in England; and if by such Examination the Master of the Rolls shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as a Solicitor, then, and not otherwise, he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be taken, and to cause him to be admitted a Solicitor in the Court of Chancery, and his Name to be enrolled as a Solicitor of such Court, which Admission shall be written on Parchment, and signed by the Master of the Rolls, and shall be stamped with the Stamps by Law required to be impressed on the Admission of Solicitors in England.

Her Majesty to direct Act to come into operation in any One or more Colony or Dependency.

VI. Her Majesty may from Time to Time, by Order in Council, direct this Act to come into operation as to any One or more of Her Majesty's Colonies or Dependencies, and thereupon, but not otherwise, the Provisions of this Act shall apply to Persons duly admitted as Attornies and Solicitors in the Superior Courts of Law and Equity in such Colonies or Dependencies; but no such Order in Council shall be made in respect of any Colony, except upon Application made by the Governor or Person exercising the Functions of Governor of such Colony or Dependency, and until it shall be shewn to the Satisfaction of Her Majesty's Principal Secretary of State for the Colonies that the System of Jurisprudence as administered in such Colony or Dependency, and the Qualification for Admission as an Attorney or Solicitor in the

Superior Courts of Law and Equity in such Colony or Dependency, answer to and fulfil the Conditions specified in Section Three herein-before contained, and also that the Attornies or Solicitors of the Superior Courts of Law or Equity in England are admitted as Attornies and Solicitors in the Superior Courts of Law and Equity of such Colony or Dependency, on Production of their Certificates of Admission in the English Courts, without Service or Examination in the Colony or Dependency.

SCHEDULE (A.)

To all whom it may concern, I [*Name and Style of Judge*] do hereby certify, That [*Terms of Certificate of Admission granted to the Attorney in the Colony*], and that the said [*Attorney's Name*] is now duly enrolled as an Attorney-at-Law and Solicitor in this Colony, and entitled to practise as such; and further, that no Charge or Accusation has been established or is pending against the said [ ] in such his Professional Character or otherwise affecting his fair Fame and Repute. [*To be signed and attested in the Manner usual in other Certificates granted by the Judge.*]

Attornies and Solicitors (Colonial Courts).

A

B I L L

To regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases.

(*Prepared and brought in by Mr. Secretary Labouchere, Mr. Chichester Fortescue, and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be Printed,* 25 *June* 1857.

[Bill 87.]

Under 1 *oz.*

A

BILL

[AS AMENDED ON RE-COMMITMENT]

TO

Regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases.

WHEREAS in certain of Her Majesty's Colonies and Dependencies, including certain Parts of the Territories under the Government of the East India Company, the System of Jurisprudence is founded on or assimilated to that administered in England, and the Attornies and Solicitors of the Superior Courts of Law and Equity in England are admitted as Attornies and Solicitors in the Courts of Law and Equity of such Colonies and Dependencies, on Production of their Certificates of Admission in the English Courts aforesaid; and it is considered just and expedient to afford Facilities to the Attornies and Solicitors of the Superior Courts in certain Colonies and Dependencies for obtaining Admission in Her Majesty's Courts of Law and Equity in England: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may for all Purposes be cited as "The Colonial Attornies Relief Act." Title of Act.

When Act to come into operation.

II. This Act shall not take effect in any One or more of Her Majesty's Colonies or Dependencies until Her Majesty has, by Order in Council, to be made as herein-after mentioned, directed the same to come into operation in respect to such Colony or Dependency.

Attornies and Solicitors of Colonial Courts to be admitted to Courts of Law and Equity in England.

III. All Persons who, being Subjects of the British Crown, have been or shall hereafter be duly admitted and enrolled as Attornies and Solicitors in the Superior Courts of Law and Equity in those of Her Majesty's Colonies or Dependencies where the System of Jurisprudence is founded on or assimilated to the Common Law and Principles of Equity as administered in England, and where full Service under Articles of Clerkship to an Attorney-at-Law for the Space of Five Years at the least, and an Examination to test the Qualification of Candidates, are or may be required previous to such Admission, save only in the Case of Persons previously admitted as Attornies or Solicitors in the Superior Courts of Law or Equity in England, such Colonies or Dependencies to be from Time to Time specified in and by Order in Council, as herein-after provided, shall and may be admitted and enrolled Attornies in all or any of the Courts of Queen's Bench, Common Pleas, and Exchequer, and other Courts in England, and Solicitors in the High Court of Chancery in England, subject as herein-after provided.

Persons to be examined &c. previous to Admission as Attornies or Solicitors.

IV. No Person shall be deemed qualified to be admitted as Attorney or Solicitor, under the Provisions of this Act, unless he shall pass such Examination to test his Fitness and Capacity as herein-after provided, and shall produce at such Examination a Certificate from the presiding Judge of the Superior Court of Common Law in the Colony or Dependency where such Person shall have been duly admitted an Attorney and Solicitor, and stating the Amount of the Stamps which have been paid by such Person on his Articles of Clerkship and Admission to practise in such Colony, in the Form or to the Effect as contained in Schedule (A.) hereunto annexed, and shall further make Affidavit (in such Manner as shall be provided by Order or Regulation to be made by the Judges of the Superior Courts of Common Law, and the Master of the Rolls respectively, as herein-after provided,) that he is resident within the Jurisdiction of the said Superior Courts of Law and Equity in England, and that he has ceased, for the Space of Twelve Calendar Months at the least, to practise as Attorney or Solicitor in any Colonial Court of Law.

Judges of Courts of Common Law to appoint Examiners.

V. It shall be lawful for the Judges of the Courts of Queen's Bench and Common Pleas and Exchequer, or any Three or more of them, as and when any Person shall, under the Provisions of this Act, seek to be admitted as an Attorney, and not as a Solicitor also, and for

for the Master of the Rolls, as and when any Person shall seek as aforesaid to be admitted as a Solicitor, and not as an Attorney also, and for the said Judges or any Three or more of them, and the Master of the Rolls, jointly, when any Person shall seek as aforesaid to be admitted as an Attorney and Solicitor, and he and they are hereby authorized and required, at any Time before he and they shall admit or issue a Fiat for the Admission of any such Person as aforesaid, to examine and inquire by such Ways and Means as he or they shall think proper touching the Qualification and the Fitness or Capacity of such Person to act as an Attorney or Solicitor, or as an Attorney and Solicitor, and for that Purpose it shall be lawful for him or them, from Time to Time as Application for Admission as aforesaid shall be made, to appoint such Persons as Examiners, and to make such Orders and Regulations for conducting such Examination, as he or they shall think proper; and if by any such Examination any of the Judges of the said Courts of Common Law shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as an Attorney, then, and not otherwise, any one of the said Judges shall and he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be administered to Attornies in England, and after such Oaths taken to cause him to be admitted an Attorney of such Courts, which Admission shall be written on Parchment, and signed by such Judge, and shall be stamped with the Stamps after mentioned; and if by such Examination the Master of the Rolls shall be satisfied that such Person is duly qualified and fit and competent to be admitted to act as a Solicitor, then, and not otherwise, he is hereby authorized and required to administer or cause to be administered to such Person the Oaths by Law required to be taken, and to cause him to be admitted a Solicitor in the Court of Chancery, and his Name to be enrolled as a Solicitor of such Court, which Admission shall be written on Parchment, and signed by the Master of the Rolls, and shall be stamped with the Stamps after mentioned.

CLAUSE A. Stamp Duties on Admissions.

VI. The Admission of any Person as an Attorney or Solicitor under the Provisions of this Act shall be stamped with the Stamps by Law required to be impressed on the Admission of Attornies or Solicitors in England (as the Case may be), and the Admission first obtained shall be impressed with such further Stamp as shall, together with the Amount of Stamps paid on Articles of Clerkship and Admission in the Colony (to be ascertained as herein-after provided), be equal in Amount to the Sum by Law payable on Articles of Clerkship in England.

Her Majesty to direct Act to come into operation in any One or more Colony or Dependency.

VII. Her Majesty may from Time to Time, by Order in Council, direct this Act to come into operation as to any One or more of Her Majesty's Colonies or Dependencies, and thereupon, but not otherwise, the Provisions of this Act shall apply to Persons duly admitted as Attornies and Solicitors in the Superior Courts of Law and Equity in such Colonies or Dependencies; but no such Order in Council shall be made in respect of any Colony, except upon Application made by the Governor or Person exercising the Functions of Governor of such Colony or Dependency, and until it shall be shown to the Satisfaction of Her Majesty's Principal Secretary of State for the Colonies that the System of Jurisprudence as administered in such Colony or Dependency, and the Qualification for Admission as an Attorney or Solicitor in the Superior Courts of Law and Equity in such Colony or Dependency, answer to and fulfil the Conditions specified in Section Three herein-before contained, and also that the Attornies or Solicitors of the Superior Courts of Law or Equity in England are admitted as Attornies and Solicitors in the Superior Courts of Law and Equity of such Colony or Dependency, on Production of their Certificates of Admission in the English Courts, without Service or Examination in the Colony or Dependency.

SCHEDULE (A.)

To all whom it may concern, I [*Name and Style of Judge*] do hereby certify, That [*Terms of Certificate of Admission granted to the Attorney in the Colony*], and that the said [*Attorney's Name*] is now duly enrolled as an Attorney-at-Law and Solicitor in this Colony, and entitled to practise as such; and further, that no Charge or Accusation has been established or is pending against the said [ ] in such his Professional Character or otherwise affecting his fair Fame and Repute. And I find that the Sum of £ was paid on Articles of Clerkship when the said was articled, and the Sum of £ on the Certificate of Admission when he was admitted to practise as aforesaid. [*To be signed and attested in the Manner usual in other Certificates granted by the Judge.*]

Attornies and Solicitors (Colonial Courts).

A

B I L L

[AS AMENDED ON RE-COMMITMENT]

To regulate the Admission of Attornies and Solicitors of Colonial Courts in Her Majesty's Superior Courts of Law and Equity in England, in certain Cases.

(Prepared and brought in by Mr. Secretary Labouchere, Mr. Chichester Fortescue, and Mr. Solicitor General.)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1857.

[Bill 131.]

Under 1 *oz.*

Banking Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Short Title of Act.
2. Act to be construed as One with the Joint Stock Companies Acts.
3. Act not to apply to Bank of England.

Registration of existing Banking Companies.

4. Repeal of Section Two of Joint Stock Companies Act, 1856.
5. Banking Companies required to register under Joint Stock Companies Acts, 1856, 1857.
6. Penalty on neglect to register.
7. Board of Trade in certain Cases may dispense with Requirements of Act.
8. Banking Companies permitted to register under the Joint Stock Companies Acts, 1856, 1857.
9. Registration under Joint Stock Companies Acts, 1856, 1857, not to affect Obligations incurred previously to Registration.
10. Saving of Liabilities of Persons holding Shares before Registration under Joint Stock Companies Acts, 1856, 1857.
11. Continuation of existing Actions and Suits.
12. Repeal of 7 Geo. 4. c. 46.
13. Repeal of 8 Vict. c. 113. and 10 Vict. c. 75.

Formation of New Banking Companies.

14. New Banking Companies.

Banking Companies not registered as such.

15. Liability of Banking Company that is not registered as such.

A

B I L L

TO

Amend the Law relating to Banking Companies.

WHEREAS it is expedient to amend the Law relating to Copartnerships and Companies carrying on the Business of Banking, and herein-after included under the Term Banking Companies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:— Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Joint Stock Companies Banking Act, 1857." Short Title of Act.

II. This Act and the Joint Stock Companies Acts, 1856, 1857, shall, so far as is consistent with the Context of such Acts, be construed as if they formed One Act. Act to be construed as One with Joint Stock Companies Acts.

III. This Act shall not apply to the Bank of England. Act not to apply to Bank of England.

Registration of existing Banking Companies.

IV. The Second Section of the Joint Stock Companies Act, 1856, shall be repealed so far as relates to Persons associated together for the Repeal of Section 2. of principal Act.

the Purpose of Banking, subject to this Proviso, that no existing or future Banking Company shall be registered as a Limited Company.

Banking Companies required to register under Joint Stock Companies Acts.

V. Every Banking Company consisting of *Seven* or more Persons, and formed or regulated by or in pursuance of any of the Acts following; that is to say,

(1.) An Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, Chapter Forty-six, and intituled "An Act for the better regulating Copartnerships "of certain Bankers in England, and for amending so much "of an Act of the Thirty-ninth and Fortieth Years of the "Reign of His late Majesty King George the Third, "intituled 'An Act for establishing an Agreement with the "'Governor and Company of the Bank of England for "'advancing the Sum of Three Millions towards the Supply "'for the Service of the Year One thousand eight hundred,' "as relates to the same;"

(2.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and intituled "An Act to regulate Joint Stock Banks in "England;"

(3.) An Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five, and intituled "An Act to "regulate Joint Stock Banks in Scotland and Ireland;"

Shall, on or before the *First Day of January One thousand eight hundred and fifty-eight*, register itself as a Company under the Joint Stock Companies Acts, 1856, 1857.

Penalty on neglect to register.

VI. If any Banking Company hereby required to register under the Joint Stock Companies Acts, 1856, 1857, makes default in registering on or before the said *First Day of January One thousand eight hundred and fifty-eight*, then, from and after such Day, until the Day on which such Company is registered under the Joint Stock Companies Acts, 1856, 1857, the following Consequences shall ensue; (that is to say,)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity:

(2.) No Dividend shall be payable to any Shareholder in such Company:

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of *Five Pounds*, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use:

Nevertheless

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section.

Board of Trade in certain Cases may dispense with Requirements of Act.

VII. Where any existing Banking Company required to be registered under the Joint Stock Companies Acts, 1856, 1857, is by reason of its Constitution unable to comply with the Requirements of such Acts in respect of Registration, the Board of Trade may dispense with any of such Requirements upon such Terms as it thinks necessary for the Safety of the Public and the Protection of Creditors of such Company.

Banking Companies permitted to register under the Joint Stock Companies Acts.

VIII. Any Banking Company, consisting of *Seven* or more Persons, having a Capital of fixed Amount and divided into Shares also of fixed Amount, duly constituted by Law previously to the *passing of this Act*, and not being a Company hereby required to be registered, may at any Time hereafter register itself as a Company other than a Limited Company under the Joint Stock Companies Acts, 1856, 1857.

Registration under Joint Stock Companies Acts not to affect Obligations incurred previously to Registration.

IX. The Registration under the Joint Stock Companies Acts, 1856, 1857, of any Banking Company existing at the Time of the *passing of this Act*, and hereby required or authorized to be registered, shall not affect or prejudice any Debt or Obligation incurred, any Contract entered into, or any Matter or Thing done by, with, or on account of such Company previously to such Registration, and all such Debts, Obligations, Contracts, Matters, and Things shall be binding on the Company when so registered to the same Extent as if such Registration had not taken place.

Saving of Liabilities of Persons holding Shares before Registration under Joint Stock Companies Act.

X. Every Person who at or previously to the Date of the Registration under the Joint Stock Companies Acts, 1856, 1857, of any Banking Company hereby required or authorized to be registered may have held Shares in such Company shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the Assets of the Company the same Amount that he would if this Act had not been passed have been liable at the Date of the Commencement of such winding up to pay to the Company, or for or on account of any Debt of the Company in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company.

Continuation of existing Actions and Suits.

XI. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration under the Joint Stock Companies Acts, 1856, 1857, of any Company hereby required or authorized

to be registered have been commenced by or against such Company or the Public Officer thereof may be continued in the same Manner as if such Registration had not taken place, nevertheless Execution shall not issue against the Effects of any individual Shareholder in or Member of such Company upon any Judgment, Decree, or Order obtained against such Company in any Action, Suit, or Proceeding so commenced as aforesaid; but, in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner directed by the Joint Stock Companies Acts, 1856, 1857.

Repeal.

Repeal of 7 G. 4. c. 46.

XII. The said Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, Chapter Forty-six, shall, from and after such Time as any Copartnership or Company carrying on the Business of Bankers under its Authority may have registered as a Company under the Joint Stock Companies Acts, 1856, 1857, but not before, be repealed as respects the Copartnership or Company so registered; nevertheless such Repeal shall not affect any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against such Act committed before such Repeal comes into operation.

Repeal of 8 Vict. c. 113. and 10 Vict. c. 75.

XIII. The above-mentioned Acts, that is to say,

The said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen,

The said Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five,

Shall from and after such Time as any Company formed in pursuance of such Acts, or either of them, may have registered as a Company under the Joint Stock Companies Acts, 1856, 1857, but not before, be repealed as respects the Company so registered; and the Articles of Table B. in the Schedule annexed to the principal Act relating to "Shares," to "Transmission of Shares," and to "Forfeiture of Shares," and numbered from One to Nineteen, both inclusive, shall, from and after such Time as last aforesaid, but subject to the Power of Alteration conferred by the Joint Stock Companies Act, 1856, be deemed to be Regulations of any Company mentioned in this Section; nevertheless such Repeal shall not affect any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any Acts hereby repealed committed before such Repeal comes into operation.

Formation

Formation of New Banking Companies.

New Banking Companies.

XIV. *Seven* or more Persons associated for the Purpose of Banking may, by complying with the Requisitions of the Joint Stock Companies Acts, 1856, 1857, in respect of Registration, register themselves as a Company other than a Limited Company; subject to this Condition, that the Shares into which the Capital of the Company is divided shall not be of less Amount than *One hundred Pounds* each.

Banking Companies not registered as such.

Liability of Banking Company that is not registered as such.

XV. If, through Inadvertence or otherwise, a Company that is in fact a Banking Company has, previously to the *passing of this Act*, been registered as a Company under the Joint Stock Companies Act, 1856, or if through Inadvertence or otherwise a Company that is in fact a Banking Company is hereafter registered under the Joint Stock Companies Acts, 1856, 1857, without having a Capital divided into Shares of not less than *One hundred Pounds* each, or is registered as a Limited Company, any Company so registered shall not be illegal, nor shall the Registration thereof be invalid, but it shall be subject to the following Liabilities; that is to say,

(1.) Any Creditor or Member of the Company may petition the Court to have it wound up, and the Fact of its not having a nominal Capital divided into such Shares as aforesaid, or of its being registered as a Limited Company, shall of itself be a sufficient Circumstance on which an Order shall be made for winding up the same:

(2.) In the event of such Company being wound up the Contributories shall, whether the Company is or not registered as a Limited Company, be liable to contribute to the Assets of the Company to an Amount sufficient to pay its Debts, and the Costs, Charges, and Expenses of winding up the same.

Banking.

A

B I L L

To amend the Law relating to Banking Companies.

(*Prepared and brought in by Mr. FitzRoy, Mr. Lowe, and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 25 *June* 1854.

[Bill 91.]

Under 1 *oz.*

Banking Bill.

[AS AMENDED IN COMMITTEE.]

ARRANGEMENT OF CLAUSES.

Preliminary.

1. Short Title of Act.
2. Act to be construed as One with the Joint Stock Companies Acts.

Registration of existing Banking Companies.

3. Repeal of Section Two of Joint Stock Companies Act, 1856.
4. Banking Companies required to register under Act.
5. Penalty on Neglect to register.
6. Banking Companies permitted to register under Act.
7. Existing Companies exempted from Payment of Fees.
8. Registration under Act, not to affect Obligations incurred previously to Registration.
9. Saving of Liabilities of Persons holding Shares before Registration under Act.
10. Continuation of existing Actions and Suits.

Repeal.

11. Repeal of 8 Vict. c. 113. and 10 Vict. c. 75.

Formation of New Banking Companies.

12. New Banking Companies.

Examination of Affairs in Company.

13. One Third in Number and Value of Shareholders to apply for Inspectors.

Nineteenth Section of Joint Stock Companies Act not to apply.

14. Section Nineteen of Joint Stock Companies Act, 1856, not applicable to Companies in Scotland.

Transfer of Trust Property.

15. Transfer of Trust Property to Company.

Banking Companies not registered as such.

16. Liability of Banking Company that is not registered as such.

Saving Clauses.

17. Exemption of certain existing Banking Companies from the Joint Stock Companies Acts.
18. Saving of 7 & 8 Vict. c. 32., 9 Vict. c. 38.

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to Banking Companies.

WHEREAS it is expedient to amend the Law relating to Copartnerships and Companies carrying on the Business of Banking, and herein-after included under the Term Banking Companies: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:— Preamble.

Preliminary.

I. This Act may be cited for all Purposes as "The Joint Stock Banking Companies Act, 1857." Short Title of Act.

II. The Joint Stock Companies Acts, 1856, 1857, shall be deemed to be incorporated with and to form Part of this Act. Joint Stock Companies Acts to be incorporated with this Act.

Registration of existing Banking Companies.

III. The Second Section of the Joint Stock Companies Act, 1856, shall be repealed so far as relates to Persons associated together for the Purpose of Banking, subject to this Proviso, that no existing or future Banking Company shall be registered as a Limited Company. Repeal of Section 2. of Joint Stock Companies Act, 1856.

Banking Companies required to register under Act.

IV. Every Banking Company consisting of Seven or more Persons, and formed under the Acts following, or either of them, that is to say,

(1.) An Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and intituled "An Act to regulate Joint Stock Banks in "England,"

(2.) An Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five, and intituled "An Act to "regulate Joint Stock Banks in Scotland and Ireland,"

shall, on or before the First Day of January One thousand eight hundred and fifty-eight, register itself as a Company under this Act.

Penalty on Neglect to register.

V. If any Banking Company hereby required to register under this Act makes default in registering on or before the said First Day of January One thousand eight hundred and fifty-eight, then, from and after such Day, until the Day on which such Company is registered under this Act, the following Consequences shall ensue; (that is to say,)

(1.) The Company shall be incapable of suing either at Law or in Equity, but shall not be incapable of being made a Defendant to a Suit either at Law or in Equity:

(2.) No Dividend shall be payable to any Shareholder in such Company:

(3.) Each Director or Manager of the Company shall for each Day during which the Company is in default incur a Penalty of Five Pounds, and such Penalty may be recovered by any Person, whether a Shareholder or not in the Company, and be applied by him to his own Use:

Nevertheless such Default shall not render the Company so being in default illegal, nor subject it to any Penalty or Disability, other than as specified in this Section.

Banking Companies permitted to register under Act.

VI. Any Banking Company, consisting of Seven or more Persons, having a Capital of fixed Amount and divided into Shares also of fixed Amount, duly constituted by Law previously to the passing of this Act, and not being a Company hereby required to be registered, may at any Time hereafter register itself as a Company other than a Limited Company under this Act, and when so registered all such Provisions contained in any Act of Parliament or Letters Patent constituting or regulating the Company as are inconsistent with the Joint Stock Companies Acts, 1856, 1857, or with this Act, shall no longer apply to the Company so registered; but such Registration shall not affect any Powers previously enjoyed by such Company of Banking, issuing Notes payable on Demand, or any other Thing.

VII. No

VII. No Fees shall be payable in respect of the Registration under this Act of any Banking Company existing at the Time of the passing of this Act. Clause 8. Existing Companies exempt from Payment of Fees.

VIII. The Registration under this Act of any Banking Company existing at the Time of the passing of this Act, and hereby required or authorized to be registered, shall not affect or prejudice the Liability of such Company to have enforced against it or its Right to enforce any Debt or Obligation incurred, or any Contract entered into by, to, with, or on account of such Company previously to such Registration, and all such Debts, Obligations, and Contracts shall be binding on the Company when so registered, and the other Parties thereto, to the same Extent as if such Registration had not taken place. Registration under this Act not to affect Obligations incurred previously to Registration.

IX. Every Person who at or previously to the Date of the Registration under this Act of any Banking Company hereby required or authorized to be registered may have held Shares in such Company shall, in the event of the same being wound up by the Court or voluntarily, be liable to contribute to the Assets of the Company the same Amount that he would if this Act had not been passed have been liable to pay to the Company, or for or on account of any Debt of the Company in pursuance of any Action, Suit, Judgment, or other legal Proceeding that might, if this Act had not been passed, have been instituted or enforced against himself or the Company. Saving of Liabilities of Persons holding Shares before Registration under Act.

X. All such Actions, Suits, and other legal Proceedings as may at the Time of the Registration under this Act of any Company hereby required or authorized to be registered have been commenced by or against such Company or the Public Officer thereof may be continued in the same Manner as if such Registration had not taken place; nevertheless Execution shall not issue against the Effects of any individual Shareholder in or Member of such Company upon any Judgment, Decree, or Order obtained against such Company in any Action, Suit, or Proceeding so commenced as aforesaid; but, in the event of the Property and Effects of the Company being insufficient to satisfy such Judgment, Decree, or Order, an Order may be obtained for winding up the Company in manner directed by the Joint Stock Companies Acts, 1856, 1857. Continuation of existing Actions and Suits.

Repeal.

XI. The above-mentioned Acts, that is to say, Repeal of 8 Vict. c. 113. and 10 Vict. c. 75.

The said Act passed in the Eighth Year of the Reign of Her present Majesty, Chapter One hundred and thirteen, and

The said Act passed in the Tenth Year of the Reign of Her present Majesty, Chapter Seventy-five,

shall forthwith be repealed as respects any Banking Company to be formed hereafter, and shall, from and after such Time as any Company formed in pursuance of such Acts or either of them may have registered as a Company under this Act, but not before, be repealed as respects the Company so registered; and the Articles of Table B. in the Schedule annexed to the Joint Stock Companies Act, 1856, relating to "Shares," to "Transmission of Shares," and to "Forfeiture of Shares," and numbered from One to Nineteen, both inclusive, shall, from and after such Time as last aforesaid, but subject to the Power of Alteration conferred by the Joint Stock Companies Acts, 1856, 1857, be deemed to be Regulations of any Company formed in pursuance of the said Acts passed in the Eighth and Tenth Years of Her present Majesty; nevertheless such Repeal shall not affect any Penalty, Forfeiture, or other Punishment incurred or to be incurred in respect of any Offence against any Acts hereby repealed committed before such Repeal comes into operation.

Formation of new Banking Companies.

New Banking Companies.

XII. Seven or more Persons associated for the Purpose of Banking may register themselves under this Act as a Company other than a Limited Company, subject to this Condition, that the Shares into which the Capital of the Company is divided shall not be of less Amount than One hundred Pounds each; but not more than Six Persons shall after the passing of this Act, unless registered as a Company under this Act, form themselves into a Partnership for the Purpose of Banking, or if so formed carry on the Business of Banking.

Examination of Affairs in Company.

Clause B. One Third in Number and Value of Shareholders to apply for Inspectors.

XIII. No Appointment of Inspectors to examine into the Affairs of any Banking Company shall be made by the Board of Trade, in pursuance of the Joint Stock Companies Acts, 1856, 1857, except upon the Application of One Third at the least in Number and Value of the Shareholders in such Company.

Nineteeth Section of Joint Stock Companies Acts not to apply.

Clause C. Section 19. of Joint Stock Companies Act, 1856, not applicable to Companies in Scotland.

XIV. The Nineteenth Section of the Joint Stock Companies Act, 1856, shall not apply to any Banking Company in Scotland registered under this Act.

Transfer of Trust Property.

Clause D. Transfer of Trust Property to Company.

XV. All Real and Personal Property in England and Ireland, all Property, Heritable and Moveable, in Scotland, and all Deeds, Bonds, Obligations,

Obligations, and Rights vested in any Person or Persons in trust for any Banking Company at the Date of its Registration under this Act, or in trust for any other Company at the Date of its Registration under the Joint Stock Companies Acts, 1856, 1857, shall immediately on Registration vest in such Banking or other Company for all the Estate and Interest of the Company therein.

Banking Companies not registered as such.

Liability of Banking Company that is not registered as such.

XVI. If, through Inadvertence or otherwise, a Company that is in fact a Banking Company has, previously to the passing of this Act, been registered as a Limited Company under the Joint Stock Companies Act, 1856, or if through Inadvertence or otherwise a Company that is in fact a Banking Company is hereafter registered under this Act as a Limited Company, any Company so registered shall not be illegal, nor shall the Registration thereof be invalid, but it shall be subject to the following Liabilities; that is to say,

(1.) Any Creditor or Member of the Company may petition the Court to have it wound up, and the Fact of its being registered as a Limited Company shall of itself be a sufficient Circumstance on which an Order shall be made for winding up the same:

(2.) In the event of such Company being wound up the Contributories shall, whether the Company is or not registered as a Limited Company, be liable to contribute to the Assets of the Company to an Amount sufficient to pay its Debts, and the Costs, Charges, and Expenses of winding up the same.

Saving Clauses.

Clause E. Exemption of certain existing Banking Companies from the Joint Stock Companies Acts.

XVII. The Joint Stock Companies Acts, 1856, 1857, shall not nor shall this Act apply to any Banking Company duly constituted by Law previously to the passing of this Act, and not hereby required to be registered, until such Time as such Company may register itself under this Act, in pursuance of the Power hereby given in that Behalf.

Clause F. Saving of 7 & 8 Vict. c. 32. and 9 Vict. c. 38.

XVIII. Nothing herein contained shall affect an Act passed in the Eighth Year of the Reign of Her present Majesty, and intituled "An "Act to regulate the Issue of Bank Notes, and for giving to the "Governor and Company of the Bank of England certain Privileges "for a limited Period," or "An Act passed in the Ninth Year of the "Reign of Her present Majesty, Chapter Thirty-eight, intituled "'An Act to regulate the Issue of Bank Notes in Scotland,'" or any other Act relating to the Issue or Circulation of Bank Notes.

Banking.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to Banking Companies.

(*Prepared and brought in by Mr. FitzRoy, Mr. Lowe, and The Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 16 *July* 1857.

[Bill 128.]

Under 1 *oz.*

11 *March* 1857. 20 Vict. (Sess. 2.)

(Ireland.)

A

B I L L

TO

Consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland.

Preamble.

WHEREAS it is expedient to amend and consolidate the Acts relating to Bankrupts and Insolvents in Ireland; to discontinue the Court of Bankruptcy and the Court for Relief of Insolvent Debtors in Ireland, and to constitute a new Court as herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Existing Courts of Bankruptcy and Insolvency discontinued.

6 & 7 W. 4. c. 14.
12 & 13 Vict. c. 107.
3 & 4 Vict. c. 107

I. From and after the *Commencement of this Act* the Court of the Commissioners of Bankruptcy in Ireland and the Court for Relief of Insolvent Debtors in Ireland, now existing under certain of the Acts mentioned in Schedule (A.) to this Act annexed, shall be respectively discontinued, and all the Powers, Authorities, and Jurisdictions of the said Courts respectively shall, for the Purposes of all Proceedings now pending therein, be transferred to, and continued and vested in the Court constituted under this Act.

Certain Acts and Parts of Acts repealed.

II. From and after the *Commencement of this Act* the several Acts and Parts of Acts set forth in the Schedule (A.) to this Act annexed, to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed, and every other Act or Acts, and such Parts of every other Act or Acts, as shall be inconsistent with this Act, shall be repealed, except so far as the said Acts or Parts of Acts, or any of them, whether mentioned or included in the said Schedule or not, repeal any former Act or Part of an Act, and except also so far as may be necessary for the Purpose of supporting and continuing any Proceedings taken or to be taken after the Commencement of this Act upon any Trading, Act of Bankruptcy, Petitioning Creditor's Debt, Commission, or other Proceeding in Bankruptcy before the Commencement of this Act, and except also so far as may be necessary for the supporting or continuing of any Proceedings taken before the Commencement of this Act in the Court for the Relief of Insolvent Debtors in Ireland, or to be taken after the Commencement of this Act on any Petition filed or Order made before the Commencement of this Act, and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the Commencement of this Act: Provided always, that such Repeal shall not be construed to lessen or affect any Right to which any Person may, at the Time of such Repeal, be entitled to under the said Acts or Parts of Acts, or to lessen any Liability then existing thereunder.

Short Title.

III. This Act may be cited for all Purposes as "The Irish Bankrupt and Insolvent Act, 1857."

Definition of Terms, &c.

And with respect to the Definition and Explanation of Terms, be it enacted as follows:

IV. The Terms and Words herein-after enumerated, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; (that is to say,)

"Lord Chancellor;" "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Ireland for the Time being;

"Court;" "The Court" shall mean Her Majesty's Court of Bankruptcy and Insolvency in Ireland, and shall mean also and include any Judge or Judges of Her Majesty's Court of Bankruptcy and Insolvency in Ireland constituting and acting as a Court under this Act;

"Annulling;" "Annulling" shall mean also superseding;

"Month"

"Month" shall mean a Calendar Month; "Month;"

"Person" shall include Body Corporate and Joint Stock Company; "Person;"

"Joint Stock Company" shall mean and include every Company and Body of Persons associated for any commercial or trading Purposes in Ireland, and incorporated by Statute or Charter, or which derives any Immunity, Privilege, or Power under any Act of Parliament, or has been registered either provisionally or completely under any Act of Parliament, save as herein-after expressed, and all commercial or trading Companies, Associations, and Partnerships in Ireland the Capital or Profits of which is or are divided into Shares and transferable without the express Consent of all the Partners; "Joint Stock Company;"

"Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt or Insolvent, and shall include the Official and Creditors Assignees; "Assignees;"

"Oath" shall include Declaration or Affirmation; "Oath;"

"Bank of Ireland" shall include all Branches thereof; "Bank of Ireland;"

"Petition of Bankruptcy" shall mean Petition for Adjudication of Bankruptcy; "Petition of Bankruptcy;"

"Plaintiff" shall include "Petitioner;" "Plaintiff;"

"Suit" shall include Action at Law and Suit in Equity or other Proceeding; "Suit;"

"Bankrupt" shall mean any Person who on any Petition of Bankruptcy shall have been adjudged by the Court to be a Bankrupt; "Bankrupt;"

"Petition of Insolvency" shall include every Petition for the Benefit of this Act by an Insolvent, or by any Creditor against such Insolvent; "Petition of Insolvency;"

"Prisoner" shall mean any Person in actual Custody within the Walls of any Prison in Ireland for any Debt, Damages, Costs, Sum or Sums of Money, or for any Contempt by reason of Non-payment of any Sum or Sums of Money or Costs; "Prisoner;"

"Gaoler" shall include the Keeper or Governor of any Gaol or Prison; "Gaoler;"

"Insolvent" shall mean any Person who shall file a Petition for his Discharge as an Insolvent Debtor, or against whom a Creditor shall file a Petition of Insolvency pursuant to this Act; "Insolvent;"

"Petitioning Creditor" shall mean the Creditor who files the Petition for Adjudication of Bankruptcy, or a Petition of Insolvency against an Insolvent; "Petitioning Creditor;"

"Registrar" shall include the Chief Registrar; "Registrar;"

"Creditor;" "Creditor" shall mean also any Two or more Persons being Partners, and incorporated and Joint Stock Companies;

"Gazette;" "Gazette" shall signify Dublin Gazette;

"United Kingdom;" "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland;

Number and Gender. Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as One Matter, and several Persons as well as One Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One.

Act to commence on Nov. 1, 1857. V. This Act, unless where otherwise specially provided, shall commence on the *First Day of November One thousand eight hundred and fifty seven.*

Procedure to obtain Adjudication, &c. to be under this Act. 12 & 13 Vict. c. 106. s. 4. 3 & 4 Vict. c. 107. s. 1. VI. After the *Commencement of this Act* no Commission of Bankrupt shall be issued, but all Proceedings in Bankruptcy, and Proceedings for Arrangement between Debtors and Creditors, may be taken, according to the Provisions of this Act.

Proceedings in discontinued Courts to be carried on in new Court. VII. All Commissions and Proceedings in Bankruptcy, and Proceedings for such Arrangement, depending at the Commencement of this Act in the Court of the Commissioners of Bankruptcy in Ireland, or over which that Court might then exercise Jurisdiction; and all Petitions, Orders, Matters, and Proceedings depending in the said Court for the Relief of Insolvent Debtors at the Commencement of this Act, or over which that Court might then exercise Jurisdiction, shall be respectively carried on and prosecuted in the Court constituted under this Act, and for the Purposes aforesaid the Court shall have all the Power, Jurisdiction, and Authority now possessed by the Commissioners of Bankruptcy or by the Court for the Relief of Insolvent Debtors in Ireland: And nothing in this Act contained shall render invalid any Commission, Petition, Order, Matter, or Proceeding depending at the Commencement of this Act in the said Court of the Commissioners of Bankruptcy, or in the said Court for Relief of Insolvent Debtors, or the Prosecution of the same in the Court now constituted under this Act, or affect or prejudice any Right or Remedy which any Person may have or be entitled to, or lessen any Liability which any Person may be under or subject to by virtue thereof.

Construction of former Acts, &c. as to Word "Commission." VIII. Wherever in any Act of Parliament or otherwise Mention shall have been made of any Commission of Bankrupt, it shall be construed with reference to the Proceedings under a Petition of Bankruptcy

Bankruptcy as if such Commission had been actually issued at the Time of filing such Petition. 12 & 13 Vict. c. 106. s. 5.

IX. When any limited Time from or after any Date or Event is appointed or allowed for doing any Act or taking any Proceeding, the Computation of such limited Time is not to include the Day of such Date, or of the happening of such Event, but is to commence at the Beginning of the next following Day, and the Act or Proceeding is to be done or taken at the latest on the last Day of such limited Time according to such Computation. Computation of Time.

X. When the Time for doing an Act or taking a Proceeding expires on a Sunday, Christmas Day, Good Friday, Monday or Tuesday in Easter Week, or a Day appointed for a Public Fast or Thanksgiving, such Act or Proceeding is, as far as regards the Time of taking or doing the same, to be held to be duly done or taken, if done or taken on the following Day. Term expiring on Sunday, &c., extended to following Day.

Constitution of the Court, &c.

XI. The present Commissioners of Bankrupt in Ireland shall be Judges for the Purposes of this Act, as if they had been appointed thereunder, and they and their Successors in Office shall form a Court, to be called "The Court of Bankruptcy and Insolvency." Court of Bankruptcy and Insolvency.

XII. The said Court of Bankruptcy and Insolvency shall consist of Two Judges: Upon a Vacancy in the said Office of Judge it shall be lawful for Her Majesty, Her Heirs and Successors, by Letters Patent under the Great Seal of Ireland, to appoint any Person, being a Barrister-at-Law in Ireland of not less than Ten Years Standing, to fill such Vacancy; and every such Judge shall hold his Office during good Behaviour, notwithstanding the Demise of Her Majesty (whom God long preserve), or any of Her Heirs and Successors, but subject to Removal by Her Majesty, Her Heirs and Successors, upon an Address from both Houses of Parliament. Appointment of Judges. 6 & 7 W. 4. c. 14. s. 3. 1 Vict. c. 48. 3 & 4 W. 4 c. 47.

XIII. Every Judge to be so appointed shall, before he shall be capable of acting in the Execution of his Office, take an Oath in the Presence of the Lord Chancellor to the Effect following; (that is to say,) The Oath of Office. 6 & 7 W. 4. c. 14. s. 4.

'I A.B. do swear, That I will faithfully, honestly, and impartially 'execute the several Powers and Trusts reposed in me as a Judge 'in Bankruptcy and Insolvency, and that without Favour or Affec-'tion, Prejudice or Malice. So help me GOD.'

Constitution of the Court, &c.

XIV. No such Judge shall during his Continuance in such Office be capable of being elected a Member of the House of Commons.

Judges not to be elected Members of the House of Commons. 6 & 7 W. 4. c. 14. s. 6.

Salary. 6 & 7 W. 4. c. 14. s. 6. 1 Vict. c. 48.

XV. *There shall be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to each such Judge the yearly Sum of Two thousand Pounds, and such Salaries shall be payable quarterly, on the usual quarterly Days, free of all Deductions save Income Tax; and if any Judge shall die, resign, or be removed, a proportionate Part of his Salary shall be paid for the Time he executed the Office.*

Matters pending in discontinued Courts transferred to new Court.

XVI. All Matters which, on the said *First Day of November One thousand eight hundred and fifty-seven*, shall be pending in either of the said Courts hereby discontinued, with all the Proceedings therein, shall be by force of this Act transferred to the said Court of Bankruptcy and Insolvency in Ireland, there to be carried on, prosecuted, or dealt with and decided according to the Practice of the Court, in the same Manner in every respect as if such Matters had been originally commenced in the said Court.

Offices of old Court abolished, and Records, &c. to be transferred to new Court.

XVII. On the said *First Day of November One thousand eight hundred and fifty-seven* the Offices of the said Commissioners of the Courts hereby discontinued shall be abolished; and all Petitions, Affidavits, and other Proceedings of the said Courts, and all Minute and Account Books and all other Books and Documents relating to the Proceedings of the said Courts respectively, or lodged in the said Courts, shall on the said *First Day of November One thousand eight hundred and fifty-seven*, or as soon after as conveniently may be, be delivered by the several Officers of the said Courts having Custody of the same to such Person or Persons as shall be appointed by the Court to receive and take charge of the same, and from and after such Delivery the said Petitions, Affidavits, Books, and other Proceedings shall be deemed to belong to the said Court hereby constituted.

Court to make General Orders for Transfer of Proceedings, &c. 13 & 14 Vict. c. 51. ss. 3—11.

XVIII. The Court shall, as soon as conveniently may be after the passing of this Act, from Time to Time make General Orders as by this Act directed for carrying the Purposes of this Act into complete Effect in all Things relating to the Transfer of Matters, Proceedings, Documents, and Property from the Courts hereby discontinued, and in particular for the auditing of Assignees Accounts, and for arranging and distributing the Balances in the Hands of Assignees or to their Credit with the Bank of Ireland, or in the Bank of Ireland with the Privity of the Chief Clerk of the Court for the Relief of Insolvent

Insolvent Debtors, and for the carrying on and winding up the Matters so transferred.

Constitution of the Court, &c.

XIX. The Court shall, for the Purposes of this Act, be a Court of Law and Equity and a Court of Record; all Records and Proceedings in Bankruptcy existing at the Commencement of this Act, in the said Court of the Commissioners of Bankruptcy, or in the Custody of the Secretary of Bankrupts, and Clerk of Inrolments in Bankruptcy, and all Records and Proceedings of the said Court for the Relief of Insolvent Debtors, shall be kept as Records and Proceedings in the Office of the Court, or in such Place as the Judges of the Court by any General Order shall direct.

The Court to be a Court of Law and Equity, &c. 12 & 13 Vict. c. 106. s. 6. 3 & 4 Vict. c. 107. s. 106.

XX. Each Judge acting for the Time being shall singly and simultaneously, or otherwise, as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided; and every Act of any One Judge in the Absence of the other shall be as valid as if done by both, save only that it shall not be lawful for any One Judge, without the Consent of the other, to rescind any Order made by the other when sitting alone.

Each Judge shall form the Court. 1 Vict. c. 48. s. 2.

XXI. The Judges of the Court shall, on or before the *Second Day of November One thousand eight hundred and fifty-seven*, and from Time to Time thereafter, make such General Orders as they may think fit for the better carrying of the several Purposes of this Act into execution, and especially for the Regulation of the Practice and Procedure in Matters of Bankruptcy and Arrangement or Insolvency, and for the Choice of the Creditor's Assignees, and the Admission or Proof of Debts, and the Audit of the Assignees Accounts, and the Times and Mode of making and paying Dividends, the Examination of Witnesses and taking of Evidence, the Inspection of Records and Proceedings of the Court, and obtaining Copies thereof, and for the Regulation of the Duties of the several Officers of the Court, and the Fees, Costs, Charges, and Allowances, as well of Solicitors and of Messengers as also of Auctioneers, Appraisers, Brokers, Valuers, and Accountants, employed by Assignees, Messengers, or Bankrupts, or Insolvents, and for the Taxation thereof respectively, and generally for regulating the Practice of the Court, and the Times, Modes, and Forms of Motions and Proceedings in Bankruptcy and Insolvency, and may from Time to Time alter or revoke such Orders, anything in this Act to the contrary notwithstanding; but no such General Orders shall be of any Force or Effect until approved of by the Lord

The Judges may make General Orders. 17 & 18 Vict. c. 119. s. 15. 6 W. 4. c. 14. s. 14. 12 & 13 Vict. c. 106. s. 8.

Constitution of the Court, &c.

Chancellor: Provided also, that nothing herein contained shall be construed to restrain the Authority or limit the Jurisdiction of the said Court, or the Judges thereof, to make Rules or Orders or otherwise to regulate and dispose of the Business therein.

Sittings of the Court.
6 W. 4. c. 14. s. 12.
12 & 13 Vict. c. 106. s. 10.
16 & 17 Vict. c. 113. s. 233.
12 & 13 Vict. c. 106. s. 8.

XXII. The Court shall sit for the Despatch of Business daily throughout the Year, when the Business of the Court shall require it (Sunday, Christmas Day, Good Friday, Monday and Tuesday in Easter Week, and Days appointed for Public Fast and Thanksgiving excepted); provided that during the whole or any Part of the Time appointed for Vacations in the several Offices of the High Court of Chancery in Ireland the Judges of the Court shall have full Power and Authority to regulate the Sittings of the Court in such Manner as shall appear fit and necessary for the due Administration of Justice.

Appointment and Payment of Substitute for Judge or Registrar prevented from attending.
6 W. 4. c. 14. s. 12.

XXIII. If, during the Time in which the Court shall sit for the Despatch of Business, any Judge, Registrar, or Chief Clerk be prevented by Sickness, or other reasonable Cause, to be allowed by the Lord Chancellor, from attending, then and in every such Case the Lord Chancellor may appoint a Person (being in the Case of a Judge, a Barrister-at-Law of not less than Ten Years Standing) to perform the Duties of such Judge, Registrar, or Chief Clerk during such Absence; and every such Person so appointed to perform the Duty of such Judge, Registrar, or Chief Clerk as aforesaid shall, during the Continuance of such Deputation or Appointment, have all and every the Rights, Powers, and Authorities, and be subject to all the Duties of such Judge, Registrar, or Chief Clerk, under this Act; and shall be paid a Sum equal to the Salary of such Judge or Registrar or Chief Clerk, for and during the Period of his Service, to be deducted from the Salary of the Person in whose Absence he shall so act.

Jurisdiction.

12 & 13 Vict. c. 106. s. 12.

Jurisdiction of Court.

XXIV. The Court shall have original Jurisdiction, Superintendence, and Control in all Matters of Bankruptcy and Insolvency, and shall have Authority to take such Order and Direction with the Body of each Bankrupt and Insolvent, and also with the Estate and Effects of each Bankrupt and Insolvent, as herein-after expressed, and also shall hear, determine, and make Order in any Matter of Bankruptcy or Insolvency whatever, so far as the Assignees are concerned, relating to the Estate and Effects of the Bankrupt or Insolvent, or of any Estate or Effects taken and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees, and also in any Matter of Bankruptcy or Insolvency whatever as between the Assignees and any

any Creditor or other Person appearing and submitting to the Jurisdiction of the Court, and also in any Application for a Certificate of Conformity, and in any other Matter where the Court by virtue of this Act has Jurisdiction, save and except as may be by this Act otherwise specially provided. *Jurisdiction.*

XXV. The Court shall have the Power of fining in a summary Way, or suspending or removing, any of the Officers of the Court who shall be guilty of any Negligence, or other Misconduct whatsoever, to be expressed in the Order of the Court, except where the Removal of the said Officers is otherwise regulated by this Act. 3 & 4 Vict. c. 107. s. 6. Power to fine, suspend, or remove Officers in certain Cases.

XXVI. All lawful Orders of the Court may be enforced by Process sued out of the said Court in the same Manner as if the said Orders were Orders of the Court of Chancery in Ireland. Enforcement of Orders.

XXVII. The Court shall from Time to Time settle the Forms of Writs to be used in the said Court for the Enforcement of its Orders, and may also from Time to Time alter the same. The Court in framing such Forms shall adhere as nearly as Circumstances may admit to the Forms of Writ used to enforce Decrees or Orders of the Court of Chancery, and such Forms when approved of by the Lord Chancellor shall be used and adopted in the Court. The Writs to be issued out of the Court shall be returnable therein, and be enforced in the same Manner as Writs issued out of the Court of Chancery. Court to settle Forms of Writs.

XXVIII. The Court may from Time to Time alter or vary the Forms given in the several Schedules to this Act, or any of such Forms, or substitute new Forms in lieu thereof, and generally may settle and check the several Forms to be used in proceeding under this Act. Forms.

XXIX. Every Order or Decision of the Court shall be subject to Appeal to the Lord Chancellor, except as herein-after is provided; but such Appeal must be entered within *Thirty* Days from the Date of the Decision or Order, or such further Time as the Court shall by special Leave allow, and be thereafter duly prosecuted, otherwise the Decision or Order shall be final; and every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall be directed by any General Order to be made in pursuance of this Act; and on hearing of each Petition of Appeal the only Evidence to be relied on or admissible shall be such as was given before the Court; but the Lord Chancellor, if he shall think fit, may receive such Evidence or direct or make any such Inquiry thereon as to him shall seem fit, Appeal to the Lord Chancellor.

Jurisdiction.

or may order the Court to re-hear the Case, on such further Evidence as it may be in the Power of either Party to produce.

No Appeal from certain Orders of Court.

XXX. No Appeal shall lie from any Order of the Court in relation to the passing, closing, or adjourning the final Examination of any Bankrupt, allowing or withholding the Certificate of Conformity of any Bankrupt, or any Order dismissing the Petition of any Trader petitioning for Arrangement, or any Order granting Protection to such Trader, or granting a Certificate to or withholding a Certificate from such Trader, or from any Order on any Petition in Insolvency that the Prisoner should file his Schedule or be brought up to be dealt with according to the Provisions of this Act, or from any Order dismissing the Petition in Insolvency, or for the Remand or Discharge of any Insolvent, or any Order for the Appointment or Removal of Creditors Assignees, or from any Order on any Question relating only to the Practice of the Court.

Exclusive Jurisdiction over Traders in Ireland.

XXXI. The Court shall have exclusive Jurisdiction in Bankruptcy over all Traders residing or carrying on Business exclusively in Ireland.

Lord Chancellor sitting in Bankruptcy to be a Court of Record, &c.
12 & 13 Vict. c. 106. s. 13.

XXXII. The Lord Chancellor sitting on Appeal in Bankruptcy and Insolvency shall be a Court of Record, and shall have all the Powers incident thereto, and may adjourn any Sitting from Time to Time, and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination, and to any Order duly made, and of requiring and compelling the Production of Books and Documents, and shall have the like Power of Commitment as is by this Act given to the Court of Bankruptcy and Insolvency.

Lord Chancellor may direct Question of Fact to be decided by a Jury.
12 & 13 Vict. c. 106. s. 15.
8 & 9 Vict. c. 109.
New Trial may be moved for.

XXXIII. The Lord Chancellor may direct any Question of Fact arising on such Appeal to be decided by a Jury in the Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, Chapter One hundred and nine, or in such other Form as the Lord Chancellor shall direct, and a new Trial may be moved for in the Court out of which the Writ of Summons shall have been issued.

Appeal to the Court of Appeal in Chancery.
19 & 20 Vict. c. 92.
14 & 15 Vict. c. 89. s. 90.

XXXIV. An Appeal shall lie from all Orders made by the Lord Chancellor under this Act to the Court of Appeal in Chancery constituted under the "Chancery Appeal Court (Ireland) Act, 1856," in like Manner and subject to the same Conditions as any Appeal mentioned in the said Act, any thing therein contained to the contrary notwithstanding.

XXXV. All

Jurisdiction.

XXXV. All Orders of the said Court of Appeal on Proceedings under this Act shall be subject to Appeal to the House of Lords, in like Manner and subject to the same Conditions as any other Appeals from the Orders of said Court.

Appeal to the House of Lords. 19 & 20 Vict. c. 92. s. 14.

XXXVI. Every Warrant issued by the Court shall be under the Seal of the Court and the Hand of a Judge, and every Summons shall be under the Seal of the Court and under the Hand of a Judge, or of One of the Registrars.

Sealing and Signature of Warrants. 12 & 13 Vict. c. 106. s. 29.

XXXVII. The Court shall cause to be sealed with the Seal of the Court all such Records, Proceedings, Documents, and Copies of the same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct. No Fee shall be receivable by any Judge, Registrar, or Officer of the Court save such Fees for Copies as are herein-after expressly allowed.

Records, Proceedings, &c. to be sealed. 12 & 13 Vict. c. 106. s. 25. 3 & 4 Vict. c. 107. ss. 12, 13.

XXXVIII. The Procedure and Practice hitherto observed in the Court of Bankruptcy, and in the Court for the Relief of Insolvent Debtors in Ireland, shall continue to be observed in the Court of Bankruptcy and Insolvency, except where the same are inconsistent with the Provisions of this Act, or any General Order made in pursuance thereof.

Procedure.

Officers of the Court.

XXXIX. The Officers of the Court shall be the Chief Registrar, the Chief Clerk in Insolvency, Two Assistant Registrars, a Deputy-Assistant to the Chief Registrar, Two Official Assignees, the Messengers, and the Clerks of the Court, to be appointed as herein-after mentioned.

XL. The present Lord Chancellor's Secretary of Bankrupts shall be the First Chief Registrar under this Act, and, in addition to his present Duties, shall attend the Court, and assist the Court in the Transaction of its administrative Business, and in the taking of undisputed Proofs of Debt, and shall tax such Costs and discharge such Duties generally as the Court shall by any General Order direct.

Secretary of Bankrupts to be Chief Registrar.

XLI. In lieu of the Fees and Emoluments now payable to the Lord Chancellor's Secretary of Bankrupts, a Salary not exceeding *Six hundred Pounds* per Annum shall be paid to the said Chief Registrar and his Successors; and it shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time

Salary of Chief Registrar.

Officers of the Court.

Time to Time to order that such Salary shall be increased, provided that the same shall in no Case exceed *Eight hundred Pounds.*

Appointment of Successors to Chief Registrar.

XLII. The Successors to the Chief Registrar shall from Time to Time be appointed by the Lord Chancellor, as a Vacancy shall arise. The Chief Registrar and his Successors shall continue in Office during good Behaviour, and shall not be removed except by Writing under the Hand of the Lord Chancellor, for sufficient Cause therein specified, or by Writing under the Hands of the Judges of the said Court and of the Lord Chancellor without any Cause being therein specified.

Appointment and Salary of Registrars.
6 & 7 W. 4. c. 14. s. 13.
1 Vict. c. 48.
12 & 13 Vict. c. 107. s. 66.

XLIII. There shall be Two Assistant Registrars of the Court, and it shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Four hundred Pounds* per Annum be paid to each Assistant Registrar. The present Registrars of the Court of Bankruptcy in Ireland shall be the First Assistant Registrars of the Court, and shall have the like Powers and Salaries, and be subject to the like Control, in all respects, as if they had been appointed under the Provisions of this Act.

Chief Clerk in Insolvency.

His Duties, Fees, and Salary.

XLIV. The present acting Registrar of the Court for Relief of Insolvent Debtors shall be the First Chief Clerk in Insolvency under this Act. The Chief Clerk in Insolvency shall have all the Powers hitherto enjoyed, and shall in Matters of Insolvency perform all the Duties hitherto performed by the Chief Clerk in the Court for the Relief of Insolvent Debtors in Ireland, except where the same are inconsistent with the Provisions of this Act, or any General Orders made under the Authority of this Act, and shall also attend the Court and perform such other Duties as the Court shall by any General Order direct. The Salary of said Chief Clerk shall be *Five hundred Pounds* per Annum. It shall be lawful for the Commissioners of the Treasury, on the Recommendation of the Lord Chancellor, from Time to Time to order that such Salary shall be increased, but so as that the same shall in no event exceed *Six hundred and fifty Pounds.*

Assistant to Chief Registrar.

XLV. The present Clerk in the Office of the Lord Chancellor's Secretary of Bankrupts shall be the Deputy Assistant to the Chief Registrar. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Two hundred Pounds* per Annum be paid to the Deputy Assistant and his Successors.

Clerks in Town and Country Departments.

XLVI. The present First Clerk in the Town Department, and the present First Clerk in the Country Department of the Court for the Relief

Chief Clerk in Insolvency.

Relief of Insolvent Debtors, shall be the First Clerks in the Town and Country Departments in Insolvency under this Act, and, in addition to their present Duties, shall discharge such other Duties as the Court shall by any General Order direct. It shall be lawful for the Lord Chancellor to direct that a Salary not exceeding *Two hundred and fifty Pounds* per Annum to each be paid to the said Clerks in the Town and Country Departments and their Successors.

Appointment of Clerks.

XLVII. In addition to the before-named Officers of the Court, it shall be lawful for the Court, with the Approbation of the Lord Chancellor, to appoint as many Clerks or Assistants, not exceeding *Three*, and at such Salaries as the Court shall, with the like Approbation and Consent, order; such Salaries, however, not in any Case to exceed, collectively, the annual Sum of *Four hundred Pounds*.

Appointment of Successors to Chief Clerks, &c.

XLVIII. The Successors to the Chief Clerk, Assistant Registrars, Deputy-Assistant Registrars, and Clerks, shall, from Time to Time as Vacancies occur, be appointed by the Court, with the Approbation of the Lord Chancellor. The Chief Clerk, Assistant Registrars, Deputy Assistant Registrars, and Clerks, and their Successors respectively, shall hold Office during good Behaviour, shall discharge such Duties as the Court shall by General Order from Time to Time direct, and shall not be removed except by Order of the Court for sufficient Cause therein specified, or by Writing under the Hand of the Lord Chancellor and Judges of the Court without any Cause being therein specified.

Removal.

On Vacancy Chancellor may discontinue Offices.

XLIX. Upon the happening of any Vacancy in any of the Offices under this Act, save the Office of Judge of the Court, if it shall appear to the Lord Chancellor that it would be unnecessary or inexpedient to continue such Office, it shall be lawful for the Lord Chancellor, by any Order under his Hand, so to declare and direct, and thereupon such Office shall cease and determine.

Registrars.

Court may direct Registrar to take Proof of Debts, &c. 12 & 13 Vict. c. 106. s. 28. 7 & 8 Vict. c. 96. s. 53.

L. The Court may, when it shall seem expedient, direct the Chief or other Registrar or Chief Clerk to act in the Prosecution of any Bankruptcy or Insolvency, for Proof of Debts, or for the Examination of Persons or Witnesses on Oath, or for any other Purpose, in Dublin or elsewhere; and the Travelling Expenses of such Registrar or Chief Clerk, and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by the Court, and be paid out of the Funds of the Estate or Estates in which such Examination shall take place, or Proof of Debt be received; and such Registrar

Registrars.

or Chief Clerk so acting shall have all Power vested in the Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses so taken shall be reduced to Writing, and shall, together with a Record of all Acts done by him, be annexed to and form Part of the Proceedings.

Seal.
12 & 13 Vict. c. 106. s. 29.

LI. The Chief Registrar shall provide a Seal, on which shall be engraven the Style of the Court; and every such Seal shall be kept by the Chief Registrar in trust for the Purposes of the Court; and such Seal shall be the Seal of the Court.

Registrars and Chief Clerk to tax Bills of Costs, &c;
12 & 13 Vict. c. 107. s. 75.

LII. It shall be the Duty of the Registrars and Chief Clerk to tax all such Bills of Fees, Costs, Charges, and Disbursements as may be referred to them or any of them for Taxation; but such Taxation shall be subject to Review by the Court.

and settle Bills of Auctioneers, Appraisers, Valuers, and Accountants.
12 & 13 Vict. c. 107. s. 76.
5 & 6 Vict. c. 122. s. 83.

LIII. All Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant, employed by any Assignee or Messenger, for Business done under such Employment, shall be settled by the Registrars or Chief Clerk, subject to Review by the Court; and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Office of Clerk of Enrolments abolished. Chief Registrars to keep Records.
6 W. 4. c. 14. ss. 109–111.
2 & 3 W. 4. c. 114. ss. 1–6.
5 & 6 Vict. c. 122. s. 74.
15 & 16 Vict. c. 77. s. 11.

LIV. After the *Commencement of this Act*, the Duties of the Person by an Act passed in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, intituled "An Act to prevent Frauds committed by Bankrupts," directed to be appointed by the Lord Chancellor, and to have the Custody of all Matters relating to Commissions of Bankrupt, and known as the Clerk of Enrolments in Bankruptcy in Ireland, shall be transferred to the Chief Registrar; and all Records, Proceedings, Books, Papers, and Documents in the Possession of the said Clerk of Enrolments in the Place appointed by the Lord Chancellor for the Custody of the Matters aforesaid, shall be removed to the Office of the Court, and shall be there kept as Records of the Court of Bankruptcy and Insolvency; and the said Chief Registrar shall enter of Record all Matters and Proceedings in Bankruptcy and Insolvency under this Act, or any Order to be made in pursuance hereof, directed to be entered of Record, or such Portions thereof in lieu of the whole as the Court shall by any Order direct.

Registrar to enter Proceedings.
2 & 3 W. 4. c. 114. s. 14.

LV. It shall be lawful for the Chief Registrar to enter of Record any Proceeding in Bankruptcy or Insolvency by this Act directed to be

be so entered, upon the Application of or on behalf of any Person interested therein, without special Order; and any Judge shall have full Power, upon Application made to him for that Purpose, to direct any Commission of Bankrupt heretofore issued, and the Depositions and Proceedings had and taken under the same, and all Matters and Proceedings heretofore had in the Court for the Relief of Insolvent Debtors in Ireland, or such Part or Parts thereof as he shall think fit, to be entered of Record.

Registrars.

Official Assignees.

LVI. The present Official Assignees in Bankruptcy shall continue to be Official Assignees for the Purposes of this Act, and shall have all the Powers and Privileges, and shall be subject to the like Control, as if they had been appointed under this Act.

Existing Official Assignees to be continued.
12 & 13 Vict. c. 107. ss. 28–37.

LVII. All the Estate and Effects of Insolvent Debtors now vested in the Provisional Assignee of the Court for Relief of Insolvent Debtors in Ireland shall vest in the Official Assignees appointed under this Act.

Estates of Insolvents now vested in Provisional Assignee to vest in Official Assignees.

LVIII. It shall be lawful for the Court to direct that the Official Assignees shall be joined and act with the existing Creditors Assignees in any Matter of Insolvency or Bankruptcy pending at the Commencement of this Act, and to direct the existing Assignees to pay and deliver over to the Official Assignees all Monies, Securities, Books, Property, and Effects in their Possession as such Assignees, and that all the Estate and Effects in such Insolvency shall vest in the Official Assignees jointly with the Creditors Assignees.

Official Assignees to act with Creditors Assignees.

LIX. It shall be lawful for the Lord Chancellor at any Time to remove any Official Assignee from his Office.

Official Assignee removable.

LX. Upon any Vacancy in the Office of Official Assignee, it shall be lawful for the Lord Chancellor from Time to Time to appoint a proper Person, being a Merchant, Broker, or Accountant, to act as Official Assignee for the Purposes of this Act; and such Official Assignee shall give such Security, and be subject to such Rules, and act in such Manner, and perform such Duties, as may from Time to Time be directed by any General Order.

Appointment of Official Assignees.
1 & 2 W. 4. c. 56. s. 22.
5 & 6 Vict. c. 122. s. 48.

LXI. The Official Assignees for the Time being and their Successors when appointed shall be Assignees of each Bankrupt's and Insolvent's Estate and Effects, and act with the Assignee (if any) chosen by the Creditors; but the Real and Personal Estate and Effects of every Bankrupt and Insolvent, and the Income and Proceeds thereof, shall be possessed and received by the Official Assignees alone, save where it shall be otherwise directed by the Court.

Their Duty.
12 & 13 Vict. c. 106. s. 39.
3 & 4 Vict. c. 107. s. 28.
s. 30.

Official Assignees.

Money, &c. to be paid by Assignees to Bank of Ireland.

LXII. All Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, India Bonds, or other Public Securities, and all Bills, Notes, and other negotiable Instruments belonging to the Bankrupt's or Insolvent's Estate, shall be forthwith transferred, delivered, and paid by such Official Assignees into the Bank of Ireland, and shall from Time to Time be kept there to the Credit of the Official Assignees and of the Creditors Assignee or (if any), subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment, Delivery, and Investment of the same, as the Court shall direct: Provided always, that the Court may by Order sanction the Official Assignees retaining in their Hands, out of the Monies so received by them as aforesaid, a Sum not exceeding at any One Time *Five hundred Pounds* in respect of all the Estates vested in them.

Messengers to follow Instructions of Official Assignee.
17 & 18 Vict. c. 119. s. 23.

LXIII. The Messengers shall follow the Instructions of the Official Assignees, subject to the Directions and Control of the Court, with respect to the taking and keeping possession of the Bankrupt's and Insolvent's Estate or Effects.

To act as sole Assignee till Creditors Assignees chosen, &c.
12 & 13 Vict. c. 106. s 40. c. 107. s. 34.

LXIV. Until Assignees shall be chosen by the Creditors, the Official Assignees shall to all Intents and Purposes whatsoever be the Assignees of every Bankrupt's and Insolvent's Estate and Effects, and, if the Court shall so order, may sell or otherwise dispose of any Property which from its Nature or for any other Reason the Court shall think ought to be disposed of without Delay.

Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c.
12 & 13 Vict. c. 106. s. 41.

LXV. After Assignees have been chosen by the Creditors, the Official Assignees shall not interfere with the Creditors Assignees in the Appointment or Removal of a Solicitor or Attorney.

Official Assignee not personally liable for Acts done in execution of his Duty.
12 & 13 Vict. c. 106. s. 41.

LXVI. No Official Assignee shall be personally liable by reason of any of the Matters upon which an Adjudication of Bankruptcy shall have been grounded being insufficient to support such Adjudication, or in respect of his Receipt in his official Capacity of any Money or negotiable Instruments, provided he shall not have dealt with the same otherwise than as directed by the Court, or required by this Act, or by any Order made in pursuance of this Act.

If Official Assignee made Defendant in certain Cases, Court may set aside Proceedings.
3 & 4 Vict. c. 107. s. 35.

LXVII. If an Official Assignee is made a Defendant in any Action in respect of such Money or negotiable Instruments, a Judge of the Court in which the Action is brought may, upon an Affidavit of Facts, stay or set aside the Proceedings in such Action so far as the Official Assignee is concerned, and make such Order as to Costs as to the Judge shall seem meet.

LXVIII. No

Official Assignees.

Official Assignee not liable for Costs as Plaintiff.

LXVIII. No Official Assignee shall be personally liable for the Costs of any Action in which he shall be Plaintiff pursuant to the Directions of the Court.

Remuneration to Official Assignee. 12 & 13 Vict. c. 106. s. 44. c. 107. s. 37.

LXIX. The Court may order to be paid out of any Bankrupt's or Insolvent's Estate to the Official Assignee, as a Remuneration for his Services, such Per-centage on the Amount realized as shall upon Consideration of the Circumstances of each Case appear to be just and reasonable.

Returns by Official Assignees. 12 & 13 Vict. c. 106. s. 45.

LXX. On or before the *First Day of March* in every Year, if Parliament be then sitting, or if not within *Fourteen* Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament a Return by the Official Assignees in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned, in respect of every Estate under their charge, and which shall not have been finally wound up on the *Thirty-first Day of December* in the preceding Year; and such Return shall be certified by the Chief Registrar, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Judges of the Court may from Time to Time think fit to make.

Messengers.

Number of Messengers to be Two.

How to be appointed and paid.

LXXI. There shall be *Two* Messengers of the Court, who shall be appointed from Time to Time by Warrant under the Hand of the Judges of the Court, and shall continue in Office at the Pleasure of the Judges of the Court; and it shall be lawful for the Lord Chancellor to direct, with reference both to the present and any future Messengers, that a Salary not exceeding *Two hundred and fifty Pounds* per Annum be paid to each Messenger in lieu of all Fees.

Court may appoint Assistant Messengers.

Duties.

Travelling Expenses, &c. how paid.

LXXII. It shall be lawful for the Court to appoint by Warrant as aforesaid Assistant Messengers of the Court in Special Cases: The Duties of the Messengers shall be such and they shall give such Security as the Court shall by any General Order from Time to Time direct: It shall be lawful for the Court by any General or Special Order to direct from Time to Time how and by whom, or out of what Fund under the Control of the Court, and according to what Scale, the travelling and other Expenses of the Messengers incurred in performing such Duties shall be paid.

Messenger not to act as Agent. 6 W. 4. c. 14. s. 154. 1 Vict. c. 48. ss. 9, 10.

LXXIII. If any present or future Messenger shall act as Agent in any Bankruptcy or Insolvency, or stipulate for or obtain, directly or indirectly, out of or from any Bankrupt's or Insolvent's Estate, or any Person engaged therein, any Remuneration for his Services except as provided for by this Act, he shall for ever thereafter be incapable of holding the Office of Messenger; and every Messenger shall, before

Messengers.

he shall be capable of acting in the Execution of his Office, take before the Commissioner the following Oath; (that is to say,)

'I A.B do swear, That I will faithfully, impartially, and honestly execute the several Orders which I shall receive from the Court of Bankruptcy and Insolvency in any Matter in which I am or shall hereafter be appointed to act as Messenger; and that I will not knowingly suppress or conceal the Truth, or suggest or practise any Falsehood in respect to any Thing relating to any Bankruptcy or Insolvency, or any of the Proceedings thereunder.

'So help me GOD.'

Messenger may break open the Bankrupt's or Insolvent's Doors, &c., and seize upon his Body or Property.
6 W. 4. c. 14. s. 40.
12 & 13 Vict. c. 106. s. 109.

LXXIV. It shall be lawful for any Messenger of the Court and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt or Insolvent where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt and Insolvent; and if the Bankrupt or Insolvent be in Prison or in Custody it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt or Insolvent (save the Articles excepted in this Act and his necessary Wearing Apparel) in the Custody or Possession of such Bankrupt or Insolvent, or of any other Person, in any Prison or Place where such Bankrupt or Insolvent is in Custody.

Execution of Warrant in England.
6 W. 4. c. 14. s. 41.

LXXV. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in England where such Bankrupt or Insolvent or any of his Property shall be reputed to be, and to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within England such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath before and backed or endorsed by any Justice of the Peace in England, who is hereby required within his Jurisdiction to back or endorse the same.

Execution of Warrant in Scotland.
6 & 7 W. 4. c. 14. s. 43.
12 & 13 Vict. c. 106. s. 111.

LXXVI. It shall be lawful for the Messenger and his Assistants, acting under Warrant of the Court, to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt or Insolvent in Scotland, where such Bankrupt or Insolvent or any of his Property shall be reputed to be, or to seize upon the Body or Property of such Bankrupt or Insolvent, and also to execute within Scotland such Search Warrant as herein-before mentioned; provided such Warrant and Search Warrant respectively shall have been verified upon Oath, and backed or endorsed by any Judge Ordinary or Justice of the Peace in Scotland, who are hereby required, within their respective Jurisdictions, to back or endorse the same.

LXXVII. Such

Messengers.

Authority of Messenger in England and Scotland.

LXXVII. Such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in England and Scotland, to execute the same within the County, City, or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt or Insolvent, and to seize upon the Body or Property of such Bankrupt or Insolvent, to be dealt with according to Law.

Remuneration to Messenger.

LXXVIII. The Court may order to be paid to any Messenger, in addition to his Salary, out of the Bankrupt's or Insolvent's Estate, a Percentage not to exceed *Two and a Half* per Cent. on the Amount realized from the Goods and Chattels seized by such Mesenger.

Exemptions and Disqualifications of Officers, &c.

Officers, &c. exempt from serving on Juries, &c.

LXXIX. The Registrars, the Chief Clerk, the Official Assignees, the Officers, and the Messengers of the Court shall be exempted from serving any Parochial Office or on any Jury or Inquest.

12 & 13 Vict. c. 106. s. 47.

No Judge, &c. to practise as a Barrister, &c.

Registrars and other Officers to be deemed Officers of the Court of Chancery.

12 & 13 Vict. c. 107. s. 117.

LXXX. No present or future Judge or Officer of the Court shall while in Office practise as a Barrister; and the Registrars, Official Assignees, and all other Officers appointed or to be appointed under this Act, except the Judges of the Court, shall from and after the *passing of this Act* be considered to be Officers of the Court of Chancery in Ireland, and subject and liable to the like Incapacity of acting as Attornies or Solicitors, and to the same Liabilities and Penalties as to Removal from Office for Misconduct, and as regards the exacting or taking any Fee or Sum of Money not allowed by Law, and generally in all respects as any Officer of the said Court is or may be by Law liable or subject to.

Salaries, &c.

Salaries of Registrars and Messengers to be paid out of Funds provided by Parliament.

LXXXI. The Salaries of the Chief and other Registrars, Chief Clerk, Officers, and Messengers shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the usual quarterly Days, out of such Funds as Parliament shall from Time to Time provide for the Purpose; and if any Person holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive a proportionable Part of his Salary for the Time that such Person shall have executed his Office since the last Payment.

Compensation and Annuities under former Act continued.

6 W. 4. c. 14. s. 9.

LXXXII. *All Compensations and Annuities which shall have been ordered to be paid, and continue payable, under the Ninth Section of the Statute Sixth and Seventh William the Fourth, Chapter Fourteen, shall be charged upon and paid to the Persons entitled thereto out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall be paid and payable to such Persons free from all Taxes, except the Tax on Income, and for such Term and in such Manner as may have already been ordered under the said Act.*

Salaries, &c.

Retiring Pension to Judges.

LXXXIII. Her Majesty may grant unto any Person executing the Office of Judge of the Court in pursuance of this Act an Annuity not exceeding *Two Thirds* of his Salary as such Judge, to commence immediately after the Period when the Person to whom such Annuity shall be granted shall resign the said Office of Judge, and to continue from thenceforth during the natural Life of the Person to whom the same shall be granted; and such Annuity shall be *issued and payable out of and charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland;* and such Annuity shall be paid quarterly, free from all Taxes and Deductions whatsoever except Income Tax, by equal Portions, on the same quarterly Days as the Salary of such Judge was payable; and the First quarterly Payment, or a proportionate Part thereof, to be computed from the Time of the Resignation of the said Office, shall be made on each of the same Days as shall happen next after the Resignation of the said Office; and the Executors and Administrators of the Person to whom the same Annuity shall be granted as aforesaid shall be paid such proportionate Part of the said Annuity as shall accrue from the Commencement or the last quarterly Payment thereof, as the Case may be, to the Day of his Death; provided, that it shall be lawful for Her Majesty to limit the Duration of Payment of such Annuity or any Part thereof to such Periods of Time during the natural Life of such Person in which he shall not exercise any Office of Profit under Her Majesty, so that such Annuity, together with the Salary and Profits of such other Office, shall together not exceed in the whole the Salary to which such Person was entitled as Judge of the Court; provided also, that no Annuity granted to any Person having executed the Office of Judge under this Act shall be valid unless such Person shall have continued in the said Office, or in the said Office and the Office of Commissioner of the said Court of Bankruptcy, for the Period of *Fifteen* Years, or shall be afflicted with some permanent Infirmity, disabling him from the due Execution of his Office, which shall be distinctly recited in the Grant.

Retiring Allowance to present Commissioner of Insolvent Court in Ireland.
3 & 4 Vict. c. 107. s. 5.

LXXXIV. *The present Commissioner of the Court for Relief of Insolvent Debtors in Ireland shall be entitled to receive during his Life, by way of retiring Pension, an annual Sum equivalent to the Amount of his Salary, payable out of the same Funds and in the same Manner as his present Salary; provided that in case the said Commissioner should hereafter be appointed to any Office, the Amount of the Salary which he shall receive in respect of such Office shall be deducted from the Amount of the retiring Pension which he is entitled to receive under this Act.*

Compensation to Clerk of Inrolments and other Officers whose

LXXXV. The present Clerk of Inrolments in Bankruptcy, and any other Officer of the Court of Chancery and the Chief Clerk and other Officers of the Court for the Relief of Insolvent Debtors in Ireland,

Salaries, &c.

Ireland, whose Office or the Emoluments thereof may be affected by the Operation of this Act, and who shall not be appointed to an Office of equal Value under this Act, shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within *Six* Months after the passing of this Act; and the said Commissioners shall, in such Manner as they shall think fit, inquire into the Nature and Tenure of the said Offices, and what were the lawful Salary, Fees, Profits, and Emoluments in respect of which such Compensation should be allowed; and the said Commissioners shall award such Compensation as they shall think just and adequate; and such Compensation shall be payable out of such Funds as Parliament shall provide for the Purpose, and shall be paid at such Times as the Commissioners shall by any Order or Orders from Time to Time direct.

Emoluments are affected by this Act.
15 & 16 Vict. c. 77. s. 12.

LXXXVI. A Sum not exceeding *Six hundred Pounds* per Annum, out of such Funds as Parliament shall provide for the Purpose, shall be subject to all such Orders as shall from Time to Time be made by the Lord Chancellor for Payments thereout in respect of the Salaries of any additional Clerks in the Office, Court Keeper, and Tipstaff, or for Stationery, Coals, and Candles for the Use of the Court, Rent of the Buildings, incidental Expenses, and in respect of all Expenses incurred in carrying this Act into effect: All Accounts for Stationery and other incidental Expenses of the Court or the Offices thereof shall be audited and allowed by One of the Judges before any Order for Payment shall be obtained.

Sum not exceeding 600*l.* per Annum to be subject to Orders of Lord Chancellor for incidental Expenses.
12 & 13 Vict. c. 106. s. 58.

Place for holding the Court, &c.

LXXXVII. Until more suitable Accommodation shall be provided, all Sittings of the Court in Dublin, and all Meetings of Creditors convened by public Advertisement under this Act, shall (unless the Court shall otherwise direct) be held in the Buildings at the Four Courts now used by the Commissioners of Bankruptcy; and the Court may, if deemed expedient, use for its Sittings, and for any other of its Purposes, the Court House and Buildings situate on Lower Ormond Quay in the City of Dublin, and known as the Insolvent Debtors Court.

Sittings, &c. to be held in Buildings at Four Courts, subject to Order of the Court.
6 W. 4. c. 14. s. 13.

LXXXVIII. It shall be lawful for the Court, with the Consent of the Lord Chancellor, to fix and appoint any other Place for the Sittings of the Court: The Place in which the Sittings of the Court shall from Time to Time be held may be called the Court of Bankruptcy and Insolvency.

Court may alter Place of Sitting.
Name of Court.

LXXXIX. In order to facilitate the Discharge of the Business of the Court in taking the Evidence of Parties examined vivâ voce, the Court may from Time to Time, when it shall appear necessary, direct the Employment of a Shorthand Writer, and by any General or Special Order define his Duties and the Amount of his Remuneration.

May employ Shorthand Writer.

Place for holding the Court, &c.

Oath of Shorthand Writer.

XC. Before such Shorthand Writer shall act in the Performance of the Duties imposed on him, he shall take an Oath in the Presence of One of the Judges of the Court to the Effect following; (that is to say,)

'I (A.B.) do swear, That I will faithfully and truly take down the 'Evidence to be given by Persons to be examined in the Matter 'of , and will deliver true and faithful Transcripts 'thereof as the Court shall direct.'

Remuneration.

XCI. Such Shorthand Writer shall be paid such Remuneration out of the Estate as the Court shall order, and shall furnish Copies of the Evidence to the Parties entitled thereto, on Payment of such Fees as the Court shall by any General or Special Order direct.

Persons liable to become bankrupt.

Enumeration of the Traders liable to become bankrupt.
6 W. 4. c. 14. ss. 18. 25.
12 & 13 Vict. c. 107. s. 10.
12 & 13 Vict. c. 106. s. 65.

XCII. All Alum Makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brick Makers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandise by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who either for themselves or as Agents or Factors for others seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided, that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by or under Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

What Persons not to be deemed such Traders.

Traders having Privilege of Parliament.
12 & 13 Vict. c. 106. s. 66.
6 W. 4. c. 14. s. 25.

XCIII. If any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy he may be dealt with under this Act in like Manner as any other Trader, but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

Acts of Bankruptcy.

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest,

XCIV. If any such Trader shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution,

or

Acts of Bankruptcy.

Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer.
6 W. 4. c. 14. ss. 19–27.
12 & 13 Vict. c. 107. ss. 20–23.
12 & 13 Vict. c. 106. ss. 69–77.

or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements wheresoever situate, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of a Trader's Property not an Act of Bankruptcy unless a Petition for Adjudication be filed within Three Months.

XCV. If any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader, the Execution of such Deed shall not be deemed an Act of Bankruptcy unless a Petition of Bankruptcy be filed within *Three* Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within *Fifteen* Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within *One Month* after the Execution thereof by such Trader, in case such Trader reside in Dublin or within *Forty* Miles thereof, in the "Dublin Gazette," and also in *Two* Dublin daily Newspapers, and in case such Trader does not reside within *Forty* Miles of Dublin, then in the "Dublin Gazette" and in One Dublin daily Newspaper and One Provincial Newspaper published near to such Trader's Residence, and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

XCVI. Any Provision in any such Conveyance or Assignment for any Allowance to the Trader executing the same, not exceeding the Amount to which such Trader would be entitled in Bankruptcy, shall not prevent such Conveyance or Assignment given being considered as a Conveyance or Assignment of all such Trader's Estate or Effects within the Meaning of this Section.

Lying in Prison and escaping out of Prison.
6 W. 4. c. 14. s. 21.

XCVII. If any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall, upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for *Twenty-one* Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for *Twenty-one* Days after any Detainer for Debt lodged against him, and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody,

Acts of Bankruptcy.

every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

Filing a Declaration of Insolvency. 12 & 13 Vict. c. 107. s. 22.

XCVIII. If any such Trader shall file in the Office of the Court a Declaration in Writing, in the Form contained in Schedule (C.) to this Act annexed, or to the like Effect, or in such other Form as the Court may by any General Order fix and direct, signed by such Trader. and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed and prosecuted by or against such Trader within *Two* Months from the filing of such Declaration.

Compounding with Petitioning Creditor. 6 W. 4. c. 14. s. 24.

XCIX. If any such Trader, after the filing of any Petition of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction or Security shall be an Act of Bankruptcy ; and if Adjudication of Bankruptcy shall have been made under such Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Trader not paying, securing, or compounding for a Judgment Debt upon which the Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment.

C. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Superior Courts against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not within *Fourteen* Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Notice.

Trader disobeying Order of a Court of Equity, &c. for Payment of Money after Service of peremptory Order for Payment on a certain Day. 12 & 13 Vict. c. 107. s. 21.

CI. If any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of

of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order *Fourteen* Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Day next after the Day so appointed for Payment of such Money.

Acts of Bankruptcy.

CII. If any such Trader shall apply to the Court by Petition for his Discharge as an Insolvent Debtor, or to any Court for the Relief of Insolvent Debtors in England or Scotland, the filing of such Petition shall be an Act of Bankruptcy, if within *Two* Months a Petition of Bankruptcy shall be filed and prosecuted against or by such Trader.

Filing Petition of Insolvency in England, Scotland, or Ireland. 3 & 4 Vict. c. 107. s. 27.

CIII. The filing by any such Trader of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the Laws "relating to Insolvent Debtors in India," and the Adjudication of an Act of Insolvency under that Act, shall for the Purposes of this Act be conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader, whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act, may at any Time within *Two* Months after Notice of the Insolvency shall have been given in the "London Gazette," as directed by the said Act for amending the Laws relating to Insolvent Debtors in India, petition for Adjudication of Bankruptcy under this Act against such Trader, under which all such Proceedings may be taken as are authorized by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

Filing Petition in Insolvent Debtors Court in India. 11 & 12 Vict. c. 21.

CIV. The filing of a Petition by any such Trader for an Arrangement between him and his Creditors, under the Superintendence of the Court, according to the Provisions of this Act, shall be conclusive Evidence of an Act of Bankruptcy committed at the Time of filing such Petition, provided a Petition for Adjudication shall be filed against or by him within Two Months after the Petition for Arrangement shall have been dismissed; but no Adjudication shall be made on such Act of Bankruptcy unless such Petition for Arrangement shall have been dismissed.

Filing Petition for Arrangement between a Trader Debtor and his Creditors. 12 & 13 Vict. c. 107. s. 23.

Acts of Bankruptcy.

Trader having Privilege of Parliament not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month. 6 W. 4. c. 14. s. 26.

CV. In case any such Trader has Privilege of Parliament, any Creditor or Creditors of such Trader to an Amount requisite to support a Petition for Adjudication may file an Affidavit in any of the Superior Courts of Record in Dublin that such Debt is justly due, and that such Debtor is, according to the Belief of the Party swearing, such Trader, and may sue out of the same Court a Writ of Summons in the Form contained in Schedule (D.) to this Act annexed, or to the like Effect, against such Trader, and serve him with a Copy of such Summons; and if such Trader shall not within *Twenty-one* Days after personal Service of the Summons, either pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond for such Amount, and with such sufficient Sureties as any Judge of the Court issuing the Summons shall approve of, to pay such Sum and Costs as shall be recovered in such Action, such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

Manner of making a Debtor a Bankrupt by Affidavit of Debt and Notice to pay. 12 & 13 Vict. c. 107. s. 24.

Creditor to file an Affidavit of Debt, and serve Notice requiring Payment within Twenty-one Days.

CVI. If any Creditor of any such Trader to an Amount requisite to support a Petition for Adjudication shall file in the Court an Affidavit that such Debt is justly due, and shall cause him to be served personally with a Copy of such Affidavit, and with a Notice in Writing stating that such Affidavit hath been filed, pursuant to this Act, and requiring immediate Payment of such Debt, and if such Trader shall not within *Twenty-one* Days after personal Service of such Affidavit and Notice, or within such further Time as the Court shall order, pay such Debt, or secure or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by the Court, or by any Master Extraordinary of the Court of Chancery, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to Custody according to the Practice of the Court in which such Action shall have been or may be brought, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the *Twenty-second* Day after Service of such Affidavit and Notice, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months from the filing of such Affidavit, but not otherwise.

CVII. If

Acts of Bankruptcy by Nonpayment after Summons.

Creditor making Affidavit of Debt, &c. Court may summon the Trader. 12 & 13 Vict. c. 107. ss. 11–19. 12 & 13 Vict. c. 106. ss. 78–86.

CVII. If any Creditor of any such Trader shall file an Affidavit in the Office of the Court, in the Form specified in Schedule (E.) hereunto annexed, or to the like Effect, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule (F.) annexed to this Act, or to the like Effect, it shall be lawful for the Court to issue a Summons, in the Form contained in Schedule (G.) annexed, or to the like Effect, to this Act, calling upon such Trader to appear before the Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided.

Delivery of Notice, &c. in case of Partnership.

CVIII. If the Demand of the Creditor appear by such Affidavit to be due from Two or more Persons as Partners, the Affidavit of the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate, at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

Manner of proceeding upon the Appearance of the Trader.

CIX. On the Appearance of any such Trader so summoned, the Court may require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof; and if such Trader shall admit such Demand or any Part thereof, the Court may reduce such Admission into Writing, in the Form contained in Schedule (H.) annexed to this Act or to the like Effect, and such Admission so reduced into Writing such Trader is hereby required to sign, and being so signed the same shall thereupon be filed in the Bankrupt Office; and the Court may examine such Trader as to whether he has a good Defence on the Merits to the whole or Part of such Demand, and after such Examination may, if it think fit, allow such Trader to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Office, in the Form contained in Schedule (I.) annexed to this Act, or to the like Effect, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof, and in such Case the Court may at the same Time require such Trader to enter into a Bond, according to the Form contained in the Schedule (J.), or to the like Effect, to this Act annexed, in such Sum, and with *Two* sufficient Sureties, as the Court shall approve of, to pay such Amount

Acts of Bankruptcy.

and Costs as shall be recovered in any Action brought for the Recovery of such Demand or any Part thereof.

Trader not attending Summons, or refusing to admit the Demand, &c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same, if recovered in Action, &c. with Costs, to be an Act of Bankruptcy. 12 & 13 Vict. c. 107. s. 13.

CX. If any such Trader so summoned shall not come before the Court at the Time appointed (having no lawful Impediment proved to the Satisfaction of the Court, and allowed), or if any such Trader upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to such Demand or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not within *Seven* Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with *Two* sufficient Sureties, as such Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

CXI. If any such Trader so summoned as aforesaid shall, upon his Appearance, sign and file an Admission of the whole or any Portion of such Demand, and shall not within *Seven* Days next after the filing of such Admission pay or tender to such Creditor the Amount of such Demand, or such Portion thereof so admitted, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after the filing of such Admission, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months from the filing of such Affidavit.

Trader admitting Part only of a Demand, &c., and not paying, &c. the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same, if recovered in an Action, with Costs, an Act of Bankruptcy.

CXII. If any such Trader so summoned as aforesaid who shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, shall not make a Deposition in the Form aforesaid that he believes he has a good Defence on the Merits to the Residue of such Demand, and, if required by the Court so to do, enter into such Bond as aforesaid to pay such Sum and Costs as shall be recovered in any Action for the Recovery of such Residue, then and in such Case, if such Trader shall not within *Seven* Days after personal Service of such Summons or Notice, or within such enlarged Time as shall be granted to him in that Behalf, pay, secure, or compound

compound for such Residue to the Satisfaction of such Creditor, or enter into a Bond in such Sum, and with Two sufficient Sureties, as the Court shall approve of, to pay such Sum and Costs as shall be recovered in any Action brought for the Recovery of such Residue, every such Trader shall be deemed to have committed an Act of Bankruptcy on the *Eighth* Day after Service of such Summons, provided a Petition of Bankruptcy shall be filed against or by such Trader within *Two* Months after the filing of such Affidavit.

What shall be deemed a Refusal to admit Debt. 12 & 13 Vict. c. 107. s. 16.

CXIII. If any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed for the Purposes of this Act that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand or any Part thereof, and for entering into such Bond, or for any of such Matters, for such Time as the Court shall think fit.

Court may enlarge the Time for Admission of entering into Bond, &c.

Admission of Debt, signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court. 12 & 13 Vict. c. 107. s. 17.

CXIV. An Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in the Office of the Court, and shall be of the same Force and Effect as an Admission signed by such Trader on his Appearance in Court; and such Admission may be in the Form contained in Schedule (K.) to this Act annexed or to the like Effect; and provided, that there be present some Attorney of One of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him, and attending at his Request, to inform him of the Effect of such Admission, before the same is signed by such Trader; and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Court may award Costs to the Creditor or to the Trader.

CXV. Where any such Trader shall be summoned to appear before the Court, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of and incident to such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action, or the Court may make such Order in relation to such Costs as to the Court shall seem fit and just; provided, that no Costs shall

Acts of Bankruptcy.

be allowed under this Section to any Creditor who adopts the Proceedings provided for by this Act, and proceeds by Action at Common Law for the same Debt simultaneously.

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c. 6 & 7 W. 4. c. 14. s. 99. 12 & 13 Vict. c. 106. s. 87.

CXVI. If any Secretary, public Officer, or other accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

No Person liable upon Act of Bankruptcy committed more than Six Months before Petition, &c. 6 & 7 W. 4. c. 14. s. 36. 12 & 13 Vict. c. 107. ss. 7, 8.

CXVII. No Person shall be liable to be declared a Bankrupt by reason of any Act of Bankruptcy committed more than *Six* Months prior to the filing of the Petition of Bankruptcy; and no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor.

Procedure in Bankruptcy.

Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Commission, &c. 12 & 13 Vict. c. 106. s. 89.

CXVIII. Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the Form specified in the Schedule (L.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of the Petitioner, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect, and if presented by a Trader, being in the Form specified in the Schedule (N.) to this Act annexed, or to the like Effect, and the Truth thereof verified by the Affidavit of such Trader, in the Form specified in the Schedule (M.) to this Act annexed, or to the like Effect); and every such Petition shall be filed and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customaryhold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandise, Rights, Credits, Effects, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Amount of Petitioning Creditors Debt. 6 W. 4. c. 14. s. 32. 12 & 13 Vict. c. 107. s. 9. 12 & 13 Vict. c. 106. s. 91.

CXIX. The Amount of the Debt of Creditors petitioning for Adjudication of Bankruptcy shall be as follows; (that is to say,)

The Debt of a single Creditor shall amount to *Fifty Pounds* or upwards:

The

Procedure in Bankruptcy.

The Debt of Two Creditors shall amount to *Seventy Pounds* or upwards:

The Debt of Three or more Creditors shall amount to *One hundred Pounds* or upwards:

Debt may be payable at a future Time although Security given.

Every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning whether he shall have had any Security in Writing for such Sum or not.

Petition for Adjudication may be made by the public Officer of certain Copartnerships. 12 & 13 Vict. c. 106. s. 92.

CXX. A Petition of Bankruptcy against any Person by any Copartnership duly authorized to sue in the Name of its public Officer may be filed by such public Officer as the nominal Petitioner on behalf of such Copartnership.

Verification of Petition of Bankruptcy.

CXXI. A Petition of Bankruptcy against any Trader by any Body Corporate, or incorporated or Joint Stock or public Company, may be verified by the Affidavit of its Secretary, public Officer, or other Agent duly authorized on that Behalf.

Trader may petition against himself. 12 & 13 Vict. c. 106. s. 93. 17 & 18 Vict. c. 119. s. 20.

CXXII. Any such Trader may petition for Adjudication of Bankruptcy against himself.

If Adjudication be not obtained within *Five* Days after Petition, any other Creditor may proceed on it. 12 & 13 Vict. c. 107. s. 25. 12 & 13 Vict. c. 106. s. 96.

CXXIII. If the Petitioning Creditor shall not proceed and obtain an Adjudication within *Five* Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may, at any Time within *Seven* Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such *Seven* Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to proceed to Adjudication, such Petition shall be forthwith dismissed.

Petitions may be presented against One or more Partners, and Petitions against Two or more Persons may be dismissed as to One or more without affecting the rest. 6 W. 4. c. 14. s. 33. 12 & 13 Vict. c. 106. s. 97.

CXXIV. Any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such

Procedure in Bankruptcy.

such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

Proceedings in Cases of a Second Petition against One or more Members of a Firm.
6 W. 4. c. 14. s. 34.
12 & 13 Vict. c. 106. s. 98.

CXXV. After a Petition of Bankruptcy filed against or by One or more Member or Members of a Firm, and upon any Petition or Petitions of Bankruptcy against or by any other Member or Members of such Firm, or against the whole Firm, all the Estate, Real and Personal, of such Bankrupt or Bankrupts, shall vest in the Official Assignees and the Creditors Assignee (if any) under the First Petition; and thereafter all separate Proceedings under such subsequent Petition or Petitions shall, without affecting the Validity of the First Petition, be annexed to and form Part of the First Petition.

In case Trader against whom a Petition has been filed be about to quit Ireland, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized.
12 & 13 Vict. c. 107. ss. 4, 5, 6.
12 & 13 Vict. c. 106. s. 99.

CXXVI. Whenever any Petition of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person has quitted or is about to quit Ireland, or has removed or is about to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest and commit to such Prison as the Court shall think fit, the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until such Person shall be discharged by the Court: Provided always, that any Person arrested upon any such Warrant, or whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply to the Court for an Order on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods, and Chattels should not be delivered up to him, and it shall be lawful for such Court to make absolute or discharge such Order.

Trader so arrested may apply to the Court for his Discharge forthwith.

If Bankrupt be keeping out of the Way, or be about to quit Ireland, &c., Court may issue Warrant for his Arrest.
12 & 13 Vict. c. 106. s. 119.

CXXVII. If in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the Way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit Ireland, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court by Warrant to authorize and direct any Person

Procedure in Bankruptcy.

Person or Persons it shall think fit to arrest such Bankrupt, and bring him before the Court to be examined, in like Manner as if he appeared upon a Summons.

Court may, before Adjudication, summon Witnesses to prove Trading and Act of Bankruptcy. 6 W. 4. c. 14. s. 37. 12 & 13 Vict. c. 106. s. 100.

CXXVIII. The Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings and other Documents in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

Court to make Adjudication, &c. upon certain Proofs. 6 W. 4. c. 14. s. 37. 12 & 13 Vict. c. 106. s. 101.

CXXIX. The Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Trader bankrupt, or if, in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within *Five* Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt; and under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading, shall adjudge such Trader bankrupt; and any such Petition not effectually prosecuted to an Adjudication within *Fourteen* clear Days after its Date shall be dismissed, unless the Court shall enlarge the Time for proceeding thereunder.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient. 6 W. 4. c. 14. s. 35. 12 & 13 Vict. c. 106. s. 103.

CXXX. If after Adjudication the Debt of the Petitioning Creditor shall be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor, having proved any Debt sufficient to support an Adjudication, to order the Petition of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid.

Bankrupt to have Notice before Advertisement of Adjudication, and to be allowed Three Days, or such Time not exceeding Seven Days, as the Court shall think fit, to

CXXXI. Before Notice of any Adjudication of Bankruptcy on any Creditor's Petition shall be given in the "Dublin Gazette," a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed *Three* Days, or such extended Time, not exceeding *Seven* Days in the whole, as the Court shall think fit,

show Cause against Adjudication. 12 & 13 Vict. c. 107. s. 45. 12 & 13 Vict. c. 106. s. 104.

from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and if no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication shall be proved to the Satisfaction of the Court, the Court shall thereupon order such Adjudication to be annulled, and the same shall be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall forthwith cause Notice of such Adjudication to be given in the "Dublin Gazette:" Provided always, that nothing herein contained shall be construed to prevent the immediate Seizure of the Goods of the Bankrupt upon the Adjudication of Bankruptcy.

Court to appoint Sittings for Bankrupt to surrender and conform.

CXXXII. The Court shall in every such Notice of Adjudication, and in every Notice of Adjudication on the Petition of any such Trader, appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than *Twenty* Days and not exceeding *Forty* Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit.

Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.

CXXXIII. If any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent to such Adjudication being advertised, the Court shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Bankrupt to deliver up his Books of Account, &c. to the Official Assignee, upon Oath. 6 W. 4. c. 14. s. 134. 12 & 13 Vict. c. 106. s. 105.

CXXXIV. Immediately after the Insertion of the Notice of Adjudication in the Gazette, or if the Bankrupt, before the Expiration of the Time allowed for showing Cause against the Adjudication, surrender himself, and give Consent to such Insertion, then immediately after such Surrender, the Bankrupt shall (if thereunto required by the Official Assignee) deliver up to the Official Assignee, upon Oath to be made before the Court or any Registrar thereof, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as are in the Custody or Power of any other Person; and every Bankrupt not in Prison or Custody shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him,

To attend Assignees.

Procedure in Bankruptcy.

him, or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may, at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees, to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid by the Official Assignee out of his Estate such Sum as the Court shall direct.

To be at liberty to inspect Books, &c.

After Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release, absolutely or conditionally.
6 W. 4. c. 14. ss. 136. 138.
12 & 13 Vict. c. 107. ss. 51, 52. 83.
12 & 13 Vict. c. 106. s. 112.

CXXXV. If the Bankrupt be not in Prison or in Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed, as the Court shall from Time to Time think fit to appoint; and whenever any Bankrupt is in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered, and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear that he is in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Commission of Bankrupt, or maliciously filing or prosecuting a Petition for Adjudication in Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be

Procedure in Bankruptcy.

in Custody against the Bankrupt, except the Right of detaining him in Custody whilst protected from Imprisonment by Order of the Court.

If arrested, to be discharged on producing Protection.
6 W. 4. c. 14. s. 136.
12 & 13 Vict. c. 106. s. 113.

Penalty on Detention.

CXXXVI. If any Bankrupt shall be arrested for Debt in coming to surrender, or shall, after his Surrender, and while protected by Order of the Court, be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of *Five Pounds* for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any of Her Majesty's Superior Courts of Record in Dublin, in the Name of such Bankrupt, with full Costs of Suit.

Petitioning Creditor to proceed at his own Costs until Choice of Assignees.
6 W. 4. c. 14. s. 31.
12 & 13 Vict. c. 106. s. 114.

CXXXVII. The Petitioning Creditor shall, at his own Costs, file his Petition, and prosecute the same, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment of such Costs out of the Estate of the Bankrupt in course of Priority to be settled by any General Order to be made in pursuance of this Act.

Petition, &c. not to be invalid by reason only of Concert.
6 W. 4. c. 14. ss. 23. 156.
12 & 13 Vict. c. 106. s. 115.

CXXXVIII. No Petition of Bankruptcy shall be dismissed, nor any Adjudication reversed, by reason only that the Petition or Act of Bankruptcy has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

Court may proceed notwithstanding Death of Bankrupt.
6 W. 4. c. 14. s. 39.
12 & 13 Vict. c. 106. s. 116.

CXXXIX. If any Bankrupt shall die after Adjudication the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Last Examination.

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c.
6 W. 4. c. 14. s. 124.
12 & 13 Vict. c. 106. s. 160.

CXL. The Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in the Bankrupt Office, and deliver a Copy thereof to the Official Assignee, *Ten* Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof; and such Balance Sheet and Accounts may before such last Examination be amended from Time to Time as Occasion shall require and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the Court may, on the Application of the Assignees or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person, as the Court shall think fit, in any Case in which

which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

Procedure in Bankruptcy.

Bankrupt apprehended by Warrant, and submitting, to have same Benefit as if he had voluntarily surrendered.
6 W. 4. c. 14. s. 133.
12 & 13 Vict. c. 106. s. 161.

CXLI. If any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Court may adjourn last Examination sine die.
6 W. 4. c. 14. s. 137.

CXLII. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination sine die.

Protection of Bankrupt from Arrest.
12 & 13 Vict. c. 107. s. 45.
12 & 13 Vict. c. 106. s. 162.

CXLIII. It shall be lawful for the Court, at the Time appointed for the last Examination of the Bankrupt, or any Enlargement or Adjournment thereof, whether the Examination shall be passed or not, to order that the Bankrupt shall be free from Arrest or Imprisonment for such Time (if any) as such Court shall from Time to Time think fit to appoint.

If Bankrupt in Custody, Court may appoint a Person to attend him with Books, Papers, &c.
6 W. 4. c. 14. s. 138.
12 & 13 Vict. c. 106. s. 163.

CXLIV. Whenever any Bankrupt is in Custody the Court may appoint a Person to attend him from Time to Time, and produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination.

Certificate of Conformity.

Mode of obtaining Certificate of Conformity.
6 W. 4. c. 14. s. 141.
12 & 13 Vict. c. 107. s. 56.
12 & 13 Vict. c. 106. s. 198.

CXLV. Forthwith after the Bankrupt shall have passed his last Examination, if no Prosecution shall have been directed by the Court, nor any Charge of Fraud have been entered on the Proceedings, nor any Objection to the signing of the Certificate be entered in the Court, the Certificate of Conformity shall be prepared by the Chief Registrar, and signed by the Court, and Notice of the Allowance of such Certificate shall be advertised in the "Dublin Gazette" in such Manner as may be directed by any General Order; but if any Objection to the granting of the Certificate be made before or at the last Examination, then the Court shall appoint a public Sitting for the Allowance of the Certificate (whereof *Twenty-one* Days Notice shall be given in the "Dublin Gazette"), and at such Sitting or any Adjournment thereof the Assignees, or any of the Creditors of such Bankrupt, may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or suspend the Allowance thereof for any Period not exceeding *Three* Years.

Procedure in Bankruptcy.

Form of Certificate.

CXLVI. The Certificate of Conformity shall be in Writing under the Seal of the Court and the Hand of One of the Judges of the Court, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or Fulness of such Discovery, and shall be in the Form contained in Schedule (O.) to this Act annexed, or to the like Effect; and Notice of the Allowance of such Certificate shall be advertised in the "Dublin Gazette" in such Manner as may be directed by any General Order to be made in pursuance of this Act.

Notice of Allowance.
6 W. 4. c. 14. s. 141.
12 & 13 Vict. c. 106. s. 199.

Effect of Certificate.
6 W. 4. c. 14. s. 140.
12 & 13 Vict. c. 107. s. 54.
12 & 13 Vict. c. 106. s. 200.

CXLVII. The Certificate of Conformity shall, subject to the Provisions herein contained, discharge the Bankrupt from all Debts due by him at the Date of the filing of the Petition of Bankruptcy, and from all Claims and Demands provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt or was jointly bound or had made any joint Contract with such Bankrupt.

Security to induce Creditor to forbear Opposition to Certificate void.
6 W. 4. c. 14. s. 143.
12 & 13 Vict. c. 107. s. 57.
12 & 13 Vict. c. 106. s. 202.

CXLVIII. Any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.
6 W. 4. c. 14. s. 149.
12 & 13 Vict. c. 107. s. 60.
12 & 13 Vict. c. 106. s. 204.

CXLIX. No Bankrupt after his Certificate shall have been allowed shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the filing of the Petition of Bankruptcy; and the Money thereby secured or agreed to be paid shall not be recoverable.

Bankrupt having obtained his Certificate free from Arrest.
6 W. 4. c. 14. s. 144.
12 & 13 Vict. c. 107. s. 59.
12 & 13 Vict. c. 106. s. 205.

CL. Any Bankrupt who shall, after his Certificate shall have been allowed, be arrested or have any Action brought against him for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, it shall be lawful for any Judge

Certificate to be Evidence of the Bankruptcy and

Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Procedure in Bankruptcy.

Proceedings, and Bankrupt in Execution may be discharged.

CLI. Any Bankrupt, at any Time after Adjudication, may call a Meeting of his Creditors (whereof and of the Purport whereof *Ten* Days Notice shall be given in the "Dublin Gazette"); and if the Bankrupt or his Friends shall make an Offer of Composition, and *Three Fifths* in Number and Value of the Creditors assembled at such Meeting, or represented at such Meeting by an Agent authorized in Writing, shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and Notice of the Meeting and of the Composition to be offered, shall also be delivered to each Creditor, or left at his Place of Business, or last or usual Place of Abode, or transmitted to him by Post *Ten* Days before such Second Meeting; and if at such Second Meeting *Three Fifths* in Number and Value of the Creditors then present or represented by an Agent authorized in Writing shall also agree to accept such Offer, the Court may, upon such Acceptance being testified in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy; and every Creditor of such Bankrupt shall be bound to accept of such Composition.

Composition after Bankruptcy.

If after Adjudication Three Fifths in Number and Value of Creditors accept Composition, the same shall bind the rest. 6 W. 4. c. 14. s. 151. 12 & 13 Vict. c. 107. s. 86. 12 & 13 Vict. c. 106. s. 230.

CLII. In deciding upon the Offer of Composition, no Creditor whose Debt is below *Twenty Pounds* shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of *Fifty Pounds* and upwards, residing out of Ireland, shall be served personally, or in such other Form as the Court shall direct, with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called, so long before such Meeting as that he may have Time to vote thereat; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.

Mode of voting in deciding upon such Composition. 6 & 7 W. 4. c. 14. s. 152. 12 & 13 Vict. c. 107. ss. 87–89. 12 & 13 Vict. c. 106. s. 231.

Bankruptcy of Joint Stock Companies.

If any Joint Stock Company shall commit an Act of Bankruptcy, a Petition of Bankruptcy may be prosecuted as

CLIII. If any Joint Stock Company within the Meaning of this Act shall commit any Act which by this Act is to be deemed an Act of Bankruptcy on the Part of any such Company, a Petition of Bankruptcy may be filed against such Company, upon the Petition of

Bankruptcy of Joint Stock Company.

of any Creditor or Creditors of such Company (whether a Member or Members of such Company or not) to such Amount as is requisite to support a Petition of Bankruptcy; and the Judges of the Court may proceed thereon in like Manner as against other Bankrupts, subject always to the Provisions herein-after made.

against other Bankrupts, subject to the Provisions herein made.
7 W. 4. & 1 Vict. c. 73., 7 & 8 Vict. c. 110., 8 & 9 Vict. c. 98. s. 1.

CLIV. The Bankruptcy of any such Company, in its associated Capacity, shall not be construed to be the Bankruptcy of any Member of such Company in his individual Capacity.

Bankruptcy of Company not to be the Bankruptcy of any Member individually.
8&9Vict.c.98.s.11.

CLV. If any such Company shall, by virtue of a Resolution to be duly passed in that Behalf by the Directors of such Company, file or cause to be filed in the Court a Declaration in Writing, in the Form specified in the Schedule (C.) No. 2. hereunto annexed, that the said Company is unable to meet its Engagements, such Declaration being under the Common Seal of such Company, and if such Company have no Common Seal, then signed by the Chairman of the Board of Directors who was present at the passing of such Resolution, and in either Case such Declaration being attested by the Attorney or Solicitor of the said Company for the Time being, every such Company shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition of Bankruptcy shall be filed against such Company within *Two* Calendar Months from the filing of such Declaration.

Declaration of Insolvency in pursuance of a Resolution of the Directors, &c., and filed in the Office of the Court, to be an Act of Bankruptcy.
8 & 9 Vict. c. 98.

Company not paying, securing, or compounding for a Judgment Debt, within Fourteen Days after Notice, an Act of Bankruptcy.
8 & 9 Vict. c. 98. s. 4.

CLVI. If any Plaintiff shall recover Judgment in any Action for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record, against any such Company, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff which may be set off against such Judgment, and such Company shall not, within *Fourteen* Days after Notice in Writing served upon the said Company, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, such Company shall be deemed to have committed an Act of Bankruptcy on the *Fifteenth* Day after Service of such Notice.

Company disobeying Order of any Court of Equity, &c. for Payment of Money after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.
8 & 9 Vict. c. 98. s. 5.

CLVII. If any Decree or Order shall be pronounced in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy against any such Company, ordering any Sum of Money to be paid by such Company, and such Company shall disobey such Decree or Order, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Company, being served with such last-mentioned Order *Fourteen* Days before the Day therein appointed for Payment of

of such Money shall neglect to pay the same, such Company shall be deemed to have committed an Act of Bankruptcy on the Day so appointed for the Payment of such Money.

Bankruptcy of Joint Stock Companies.

CLVIII. If any Creditor of any such Company to such an Amount as is requisite to support a Petition for Adjudication shall file an Affidavit in the Court that such Debt or Debts is or are justly due to him or them respectively from the said Company, and shall cause such Company to be served with a Copy of such Affidavit, and with a Notice in Writing, stating that such Affidavit hath been filed pursuant to this Act, and requiring immediate Payment of such Debt, and if such Company shall not, within *Twenty-one* Days after such Service, pay, secure, or compound for such Debt or Debts to the Satisfaction of such Creditor or Creditors, or enter into a Bond with *Two* such sufficient Securities as shall be approved of by the Court or by any Master Extraordinary of the Court of Chancery to pay such Sum as shall be recovered in any Suit for the Recovery of the said Debt, every such Company shall be deemed to have committed an Act of Bankruptcy on the *Twenty-second* Day of the Service of such Notice and Affidavit.

Creditor filing an Affidavit of Debt in the Court, if the Company do not within 21 Days pay, secure, or compound to the Satisfaction of the Creditor an Act of Bankruptcy. 8 & 9 Vict. c. 98. s. 6.

CLIX. It shall be lawful for the Assignees of the Estate and Effects of any such Company to maintain any Suit against any Person (whether a Member of such Company or not), to recover any Debt or Demand on behalf of the said Company against such Person, and for any Person to prove or claim against such Company such Debt or Demand as may be due to him or them (whether a Member of such Company or not) on the Balance of Accounts between him and the said Company.

Assignees of the Estate of a Company may maintain Action to recover a Debt; and any Person may claim any Debt due on the Balance of Accounts. 8 & 9 Vict. c. 98. s. 7.

CLX. No Claim or Demand which any Member of any such Company may have in respect of his Share of the Capital or Joint Stock thereof, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect of such Share, shall be capable of being set off against any Demand which the Assignees of such Company may have against such Member on account of any other Matter or Thing whatsoever, but all Proceedings in respect of such Matter or Thing may be carried on as if no Claim or Demand existed in respect of such Capital or Joint Stock, or of any Dividends, Interests, Profits, or Bonus payable or apportionable in respect thereof.

Member's Share not to be set off against a Demand which the Assignees of the Estate and Effects of a Company may have against such Member. 8 & 9 Vict. c. 98. s. 8.

CLXI. No Suit by any Creditor of any such Company shall, so far as concerns or may be necessary for the Recourse of such Creditor against the Person, Property, or Effects of any Member thereof for the Time being, or any former Member thereof, be deemed to prejudice or in any Manner affect the Right of such Creditor or Creditors to file a Petition of Bankruptcy against such Company, or his

No Suit by a Creditor of a Company against the Person or Property of any individual Member to affect his Right to file Petition of Bankruptcy or prove against the Company; and a

Bankruptcy of Joint Stock Companies.

his or their Right to prove or claim, under any Petition against such Company, any Debt or Demand remaining unsatisfied; and no such Petition or Proof, or Proceeding thereunder, shall be deemed to prejudice or in any Manner affect the Right of any Creditor of such Company to institute or maintain any Suit, so far as concerns or may be necessary for the Recourse of such Creditor against the Person, Property, or Effects of any Member thereof for the Time being, or any former Member thereof.

Petition of Bankruptcy, or a Proof or Proceeding thereon, not to affect any Action by a Creditor against the Person or Property of any Individual Member.
8 & 9 Vict. c. 98. s. 9.

CLXII. No Execution in respect of any Debt or Demand proveable under the Petition against any such Company shall be issued against the Person, Property, or Effects of any Member for the Time being of such Company, or any former Member thereof, until after such Debt or Demand shall have been proved under such Petition.

No Execution to issue against Member of Company until Debt proved under Petition.

The Court may order the Directors of a Company adjudged Bankrupt, &c. to prepare, verify, and file a Balance Sheet and Accounts.
8 & 9 Vict. c. 98. s. 11.

CLXIII. The Court may at any Time after the Advertisement of the Bankruptcy of any such Company or Body in the *Dublin Gazette* order that the Persons who were at the Date of such Petition Directors of such Company, or such of them as the Court shall think fit, or if there be no Directors then that such Members of the Company as the Court shall think fit, shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same, and deliver a Copy thereof to the Assignee *Ten* Days at least before the last Examination; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require and the Court shall direct; and such Persons shall make Oath of the Truth of such Balance Sheet and Accounts whenever they shall be duly required so to do; and the Court may from Time to Time make such Allowance out of the Estate of such Company for the Preparation of such Balance Sheet and Accounts, and to such Person or Persons as the Court shall think fit.

Persons ordered by the Court to prepare the Balance Sheet to be under the like Obligation to surrender at the last Examination, and to submit to be examined, &c., and to incur such Danger or Penalty for not conforming, &c. as is now provided against a Bankrupt.
8 & 9 Vict. c. 98. s. 12.

CLXIV. Every such Person ordered to prepare such Balance Sheet and Accounts shall be under the like Obligation to surrender and to sign and subscribe such Surrender, and to submit to be examined before the Court from Time to Time upon Oath, and to make a full and true Discovery of the Estate and Effects of such Company, and shall incur such Danger or Penalty for not surrendering, or for not signing or subscribing such Surrender, or for not coming before the Court, or for refusing to be sworn and examined, or for not fully answering to the Satisfaction of the Court, or for refusing to sign or subscribe his Examination, or for not delivering up at the last Examination all such Part of the Estate of such Company, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, or for removing, concealing, or embezzling any

Bankruptcy of Joint Stock Companies.

any Part of such Estate to the Value of *Ten Pounds* or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud the Creditors of such Company, as is provided as to a Bankrupt for not conforming to the like Requisitions for the Discovery of and in relation to the Estate and Effects of such Bankrupt.

Persons ordered to prepare the Balance Sheet to have the same Freedom from Arrest, &c. as a Bankrupt. 8 & 9 Vict. c. 98. s. 13.

CLXV. Every such Person so ordered to prepare such Balance Sheet and Accounts shall have such Freedom from Arrest and Imprisonment in coming to surrender, and such Discharge if arrested in coming to surrender, as a Bankrupt may have under a Petition of Bankruptcy against him; and such Person or Persons, if in Prison, may be brought before such Court by Warrant in like Manner as such Bankrupt now may.

As to Costs where a Person summoned was a Member of Company. 8 & 9 Vict. c. 98. s. 15.

CLXVI. Where any Person who, at or before the Date of a Petition of Bankruptcy filed against any such Company, was a Member of such Company, shall be summoned to attend before the Court, every such Person shall have such Costs and Charges (if any) as the Court shall think fit.

Penalty on Persons wilfully concealing the Estate of the Company. Allowance for making Discovery thereof. 8 & 9 Vict. c. 98. s. 16.

CLXVII. If any Person who, at or before the Date of the Petition against any such Company, was a Member of such Company, but not being a Person so ordered as aforesaid to prepare such Balance Sheet and Accounts, or if any other Person, shall wilfully conceal any Real or Personal Estate of any such Company, and shall not within *Thirty* Days after the Advertisement of the Adjudication against such Company discover such Estate to the Court, or to the Assignees, every such Person shall forfeit the Sum of *One hundred Pounds*, and Double the Value of the Estate so concealed.

The Court, after Adjudication, may order any Treasurer, &c. to deliver to the Official Assignee, or to Bank of Ireland, all Monies, &c. in his Custody. 8 & 9 Vict. c. 98. s. 17.

CLXVIII. After the Adjudication of Bankruptcy shall have been advertised, it shall be lawful for the Court to order any Treasurer or other Officer, or any Attorney or Solicitor or other Agent of the Company adjudged bankrupt, to pay and deliver over to the Assignees, or to the Bank of Ireland or any of the Branches thereof, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Bankrupts, or his or their Assignees.

The Court may give Directions for winding up the Affairs of the Company. 8 & 9 Vict. c. 98. s. 19.

CLXIX. It shall be lawful for the Court to make all such Orders and give all such Directions as shall be necessary for the final winding up and settling the Affairs of such Company, and to compel a just Contribution from all the Members of such Company towards the full Payment of all the Debts and Liabilities of such Company, and of the Costs of winding up and finally settling the Affairs of such Company, and for that Purpose to take all such Accounts and make

Bankruptcy of Joint Stock Companies.

all such Inquiries as shall be required; and the Court may order Payment to the Assignees of the several and respective Sums of Money which shall be found necessary and proper to be paid in or towards Satisfaction of the Debts which by the Proceedings in Bankruptcy shall have been found to be due to the Creditors of such Company, and all Persons having Claims and Demands thereon, and also in satisfaction of Costs, and may order the Assignees to apply such Sums of Money in satisfaction of such Debts, Claims, and Demands, and Costs.

Power of Court to make Calls. 19 & 20 Vict. c. 47. s. 82.

CLXX. It shall be lawful for the Court to make Calls on all or any of the Members or Contributories of the Company for Payment of all or any Sums the Court may deem necessary to satisfy the Debts of the Company and the Costs of winding it up.

The Court shall inquire into the Cause of the Failure of Company, and shall transmit a Copy of the Balance Sheet to the Board of Trade, and certify the Cause of the Failure, and any special Circumstances. 8 & 9 Vict. c. 98. s. 22.

CLXXI. Previous to passing the last Examination under a Petition against any such Company it shall be the Duty of the Court to inquire into the Cause of the Failure of such Company; and after the passing of such last Examination, or after the Time allowed by the Court for that Purpose shall have elapsed, the Court shall cause a Copy of the Balance Sheet filed in the Court to be transmitted to the Committee of Privy Council for Trade, and the Court shall at the same Time certify in Writing to the said Committee what, in the Opinion of the Court, was the Cause of the Failure of such Company, and state any special Circumstances relating to the Formation or Management of the Affairs of such Company which to the Court shall seem expedient and material, and shall cause to be annexed to such Certificate a Copy of the Examination of any Person or Persons taken under such Petition, and which the Court shall deem material, relating to the Formation or Management of the Affairs of such Company or Body.

When Court shall have certified the Cause of the Failure of any such Company, the Queen may revoke any Privileges granted to the Company. 8 & 9 Vict. c. 98. s. 24.

CLXXII. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, it shall and may be lawful for Her Majesty, Her Heirs and Successors, upon the Recommendation of the said Committee, by any Instrument in Writing under Her or their Great Seal of Ireland, to signify Her or their Pleasure for revoking and making void, and thereby to revoke and make void, all the Powers, Privileges, and Advantages at any Time by any Charter or Letters Patent or Act of Parliament granted to such Company, and to determine the same, and thereupon the said Powers, Privileges, and Advantages shall accordingly be revoked, and the same Company shall be determined, without any Inquisition, Scire facias, or any Matter or Thing to make void or determine the same, anything in such Charter or Letters Patent or Act of Parliment contained to the contrary notwithstanding.

CLXXIII. After

Bankruptcy of Joint Stock Companies.

The Board may cause the Papers to be laid before the Attorney General to direct any Proceedings thereon. 8 & 9 Vict. c. 98. s. 25.

CLXXIII. After the Court shall have certified to the said Committee the Cause of the Failure of any such Company, the said Committee may, whenever it shall think fit, cause all the Papers relating to such Failure, and to the Formation and Management of such Company, and to the Conduct of any of the Directors or other Officers of the said Company therein, or to any or either of such Matters, to be laid before Her Majesty's Attorney General for Ireland, who shall direct whether any and what Proceedings shall be taken thereupon against any Person who was a Director or other Officer of such Company, or any other Person.

Until Determination of Company by the Crown, it shall be considered as subsisting, and, notwithstanding such Determination, shall be considered as subsisting for winding up. 8 & 9 Vict. c. 98. s. 26.

CLXXIV. Until the Determination of such Company by Her Majesty, Her Heirs or Successors, such Company, and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting, and as continuing such Officers as aforesaid, for all the Purposes for which the same was originally constituted, and that, notwithstanding such Determination as aforesaid, the same shall be considered as subsisting and continuing respectively so long and so far as may be necessary for the winding up of the Concerns of such Company.

Notwithstanding Determination of Company in any other Manner, the same to be considered as subsisting so long as any Matters remain unsettled. 8 & 9 Vict. c. 98. s. 27.

CLXXV. Notwithstanding the Determination of any Company, by any other Means than as last aforesaid, such Company and the Persons who were Officers thereof at the Time of such Determination, shall respectively be considered as subsisting and as continuing such Officers as aforesaid, for all the Purposes of this Act, so long and so far as any Matters relating to such Company shall remain unsettled.

When Company to be deemed an Irish Company.

CLXXVI. In all Cases in which a Joint Stock Company shall carry on Business in Ireland and elsewhere, if the Head Office of the Company shall be or shall have last been in Ireland, such Company shall be deemed an Irish Company within and subject to the Provisions of this Act.

Service of Order, &c. on Company.

CLXXVII. Service of any Order, Summons, Notice, or other Document on any Joint Stock Company, under the Provisions of this Act, may be made by delivering the same to the Chief Clerk or Secretary of the Company, or any Director of the Company personally, or by leaving the same at the Head Office of the Company with any Officer or Servant of the Company, or in such other Manner as the Court shall by any Special Order direct.

Jurisdiction of Court against Joint Stock Companies.

CLXXVIII. The Court shall in every Case of a Petition for Adjudicature against a Joint Stock Company have and exercise the same Powers, Authority, and Jurisdiction in all respects as in the Case of any Petition for Adjudication against a Trader.

Bankruptcy of Joint Stock Companies.

Call to have Effect of Decree in Chancery.

CLXXIX. Any Call made by the Court under this Act upon a Member or Contributory of a Joint Stock Company shall have the like Effect upon the Persons and Property of such Member or Contributory, and be enforced in the same Manner as an Order or Decree of the Court of Chancery.

Act not to apply to Companies registered under the Joint Stock Companies Act, 1856.

CLXXX. The Provisions of this Act which relate to the Bankruptcy of Joint Stock Companies shall not apply to any Company registered under the Joint Stock Companies Act, 1856.

Procedure in Insolvency.

Persons imprisoned for Debt may apply to the Court for Discharge. 3 & 4 Vict. c. 107. s. 18.

What shall be stated in the Petition.

CLXXXI. From and after *the Time appointed for the Commencement of this Act*, it shall be lawful for any Debtor who shall be a Prisoner within the Meaning of this Act to apply by Petition to the Court for his Discharge from such Custody; and in such Petition shall be stated whether such Prisoner has been previously bankrupt or insolvent, the Time and Place of the First Arrest of such Prisoner, the Cause or Causes wherein he shall then be detained, and the Time of his Commitment to the Prison where he shall then be confined, and also the Name or Names of the Person or Persons at whose Suit such Prisoner shall at the Time of presenting such Petition be detained in Custody, and the Amount of the Debt or Debts, Sum or Sums of Money, and of such Costs as aforesaid, so far as the Amount of such Costs is ascertained, for which he shall be so detained, and such other Matters as the Court may by any General Order direct; and such Prisoner shall in such Petition state that he is willing that all his Real and Personal Estate and Effects shall be vested in the Official Assignees, and shall pray to be discharged from Custody, and to have future Liberty of his Person against the Demands of his Creditors; which Petition shall be subscribed by the said Prisoner, and shall forthwith be filed in the Court.

Petition to be signed and filed.

Schedule to be filed. 3 & 4 Vict. c. 107. s. 57.

Contents of Schedule.

CLXXXII. Every such Prisoner shall, within *Seven Days* from the Time of filing such Petition, unless the Court shall extend such Period, deliver unto the Court a Schedule, containing a full and fair Description of such Prisoner, as to his Name, Trade, and Profession, together with his last usual Place of Abode, and the Place or Places where he has resided during the Time when his Debts were contracted, and also a full and true Description of all Debts due or growing due from such Prisoner at the Time of filing such Petition, and of all and every Person and Persons to whom such Prisoner shall be indebted, or who, to his Knowledge or Belief, shall claim to be his Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as shall be admitted from such as shall be disputed, and also a full, true, and perfect Account of all the Estate and Effects of such Prisoner, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Profit or Advantage held by such Prisoner, and

Procedure in Insolvency.

and also of all Pensions or Allowances of the said Prisoner, in possession or reversion, or held by any other Person or Persons for or on behalf of the said Prisoner, or of and from which the said Prisoner derives or may derive any Manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever which such Prisoner, or any other Person or Persons in trust for such Prisoner, or for his Use, Benefit, or Advantage in any Manner whatsoever, shall be possessed of or interested in or entitled unto, or which such Prisoner, or any other Person or Persons in trust for him or for his Benefit, may dispose of, charge, or exercise for the Benefit or Advantage of such Prisoner, together with a full, true, and perfect Account of all the Debts then due or growing due to such Prisoner, or to any Person or Persons in trust for him or for his Benefit or Advantage, either solely, or jointly with any Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts shall be due or growing due, and of the Witnesses who can prove such Debts; and also a full and true Description and Valuation of the Wearing Apparel, and other Necessaries, not exceeding in Value in the whole *Twenty Pounds*, which such Prisoner is authorized to except, and such other Particulars as the Court may by any General or Special Order direct.

General and Special Balance Sheets to be filed.

CLXXXIII. Such Prisoner shall with his Schedule file a General Balance Sheet of his Receipts and Expenditure from the Date of the earliest Debt in his Schedule up to the Time of filing his Schedule; such Prisoner shall also deliver to the Court a Special Balance Sheet of so much of the Receipts and Expenditures of such Prisoner as shall be at any Time required by the said Court.

Form of Petition, Schedule, and Balance Sheets.

CLXXXIV. The said Petition, Schedule, and Balance Sheets may be in the Forms in Schedule (P.) to this Act annexed, or to the like Effect, or in such other Form as the Court may direct, and shall be respectively verified on Oath.

Court may commit Insolvent in neglecting to file his Schedule.

CLXXXV. If any Insolvent shall neglect to file his Schedule within the Time limited by this Act, the Court may commit him to any Prison until he shall file such Schedule.

Detaining Creditors of Prisoners may apply by Petition to the Court to vest Debtors Estates in the Official Assignee. 3 & 4 Vict. c. 107. s. 19.

CLXXXVI. If any Prisoner within the Meaning of this Act shall not, within *Twenty-one* Days next after he shall be committed to or detained in Custody, make Satisfaction to the Person or Persons at whose Suit such Prisoner shall have been so committed or detained for the Debt, Damages, Costs, Sum or Sums of Money, for which such Prisoner shall be so committed or detained, it shall be lawful for any such Person or Persons to apply by Petition in a summary Way to the Court, praying that all the Real and Personal Estate and Effects of such Prisoner may be vested in the Official Assignees according to the Provisions of this Act.

Procedure in Insolvency.

Form of Creditor's Petition.

CLXXXVII. Such Petition shall be signed by the Party or Parties so applying or by his Attorney; and in such Petition shall be stated the Time and Place of the Commitment or Charge in Execution of such Prisoner at the Suit of the Party or Parties so applying, and the Amount of the Debt or Sum of Money for which such Prisoner shall have been so committed or detained; and such Petition shall be supported by such Evidence, by Affidavit or otherwise, of the Truth of the Matters therein stated, as the Court shall require; and the said Court shall and may require such Prisoner to file his Schedule, and shall and may cause such Prisoner to be brought up to be dealt with according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act; and such Creditor's Petition may be in the Form in Schedule (Q.) to this Act annexed, or to the like Effect.

Dismissal of Petition.

CLXXXVIII. Any Petition of Insolvency may be dismissed by the Court, on such Terms as to Costs, or otherwise, as the Court may think fit.

Power to the Court to direct Prisoner to be discharged on his finding Sureties to attend at the Time and Place of Hearing. 3 & 4 Vict. c. 107. s. 21.

CLXXXIX. At any Time after a Petition of Insolvency and Schedule have been filed, it shall be lawful for the Court, if the Court shall think fit to do so, and on such Notice to the Creditors of such Insolvent as the Court shall deem proper, to direct such Insolvent to be discharged out of Custody, on his finding *Two* sufficient Sureties to enter into a Recognizance to the Official Assignee of the Court, in such Sum as the Court shall think fit, with a Condition that such Insolvent shall duly appear at the Time and Place fixed or which shall thereafter be fixed for the Hearing of the Petition of such Insolvent, and on every adjourned Hearing, and shall abide by the final Judgment of the Court, and on such other Terms (if any) as the Court shall think fit to impose, and to issue a Warrant directed to the Gaoler or Person in whose Custody such Insolvent shall be ordering the Discharge of such Insolvent.

After such Discharge Insolvent to be free from Arrest until Hearing.

CXC. After such Discharge the Insolvent shall be free from Arrest or Imprisonment by any Creditor whose Debt shall be specified in the Schedule filed by such Insolvent as herein-before mentioned, until the Time appointed for the Hearing of such Insolvent, and for such further Time (if any) as the Court shall from Time to Time appoint.

Insolvent not to be discharged until he delivers up all Property.

CXCI. No such Insolvent shall be so discharged until it shall appear to the Court that all the Chattel Property of such Insolvent has been delivered up to the Assignee, with all Books, Deeds, and Papers in his Possession, Power, or Procurement relating to his Estate or Effects.

CXCII. In

Procedure in Insolvency.

In case Insolvent shall not duly appear, Recognizance to be forfeited, &c. 3 & 4 Vict. c. 107. s. 21.

CXCII. In case any Insolvent so discharged out of Custody shall not duly appear at the Time and Place fixed for the Hearing or any adjourned Hearing (not being prevented by Illness or other lawful Impediment to be allowed of by the Court), the Recognizance so entered into shall be forfeited, and the Court may make an Order on such Sureties to pay to the Official Assignees the Amount of such Recognizance and Execution may thereon issue forthwith, and the Amount so recovered shall be applied for the Benefit of the Creditors of such Insolvent, in like Manner as if the same were Part of his Estate and Effects; and the Court may also issue a Warrant, authorizing any Person or Persons, to be therein named, to apprehend and arrest such Insolvent, and deliver him into the Custody of the Gaoler or Person in whose Custody such Prisoner was at the Time when he was so discharged as aforesaid; and such Gaoler or Person is hereby required to receive such Prisoner again into his Custody, and all Detainers which were in force against him at the Time of such Discharge, or which shall have since been duly lodged against him, shall thereupon be deemed to be in force: Provided also, that any Insolvent so discharged out of Custody as aforesaid shall, on his appearing before the Court, be deemed and considered, for all the Purposes of this Act, in the Custody in which he was at the Time he was so discharged.

Court may empower Persons in the Assize Towns to receive Recognizances. 3 & 4 Vict. c. 107. s. 22. 6 & 7 Vict. c. 47. s. 1.

CXCIII. The Court may from Time to Time empower so many fit and proper Persons as shall appear necessary in every Assize Town to take and receive such Recognizances of Sureties and in such Form as the Court may direct and require; and for the taking of every such Recognizance the Persons so empowered shall be entitled to demand and receive the Sum of *Two Shillings and Sixpence.*

Persons residing out of Dublin may enter into Recognizances. 3 & 4 Vict. c. 107. s. 23.

CXCIV. It shall be lawful for any Person whose usual Place of Residence shall be elsewhere than in the County of Dublin or the County of the City of Dublin, to appear before a Person duly empowered in manner aforesaid, and there to enter into such Recognizance for the due Appearance of such Insolvent, according to such Forms, and in such Terms and Manner as shall or may be prescribed by any General Order of the Court, which said Recognizances so taken as aforesaid shall be transmitted and filed in the Court, with an Affidavit of the due taking of the said Recognizances, by some credible Person present at the taking thereof, and shall be of the like Force and Effect as if the same were taken before the Court.

Court to regulate the Amount of such Recognizances. 3 & 4 Vict. c. 107. s. 24.

CXCV. The Court shall make such General Orders, regulating the Amount, and the taking of such Recognizances, as to the Court shall seem meet.

CXCVI. As

Procedure in Insolvency.

Warrant to discharge Insolvent on Completion of Recognizance.

CXCVI. As soon as such Sureties shall have justified, and such Recognizance as herein-before mentioned shall have been filed, the Court shall thereupon issue a Warrant for the Discharge of such Insolvent from Custody as herein-before provided.

Notwithstanding Bankruptcy, the Court shall proceed as in other Cases.

3 & 4 Vict. c. 107. s. 28.

CXCVII. Although such Prisoner be declared bankrupt or be an uncertificated Bankrupt at the Time of filing the Petition of Insolvency, the Court shall and may cause such Prisoner to be brought up to be dealt with as an Insolvent according to this Act, and all Things to be done thereupon or preparatory thereto as in other Cases according to this Act.

Prisoner not to be discharged for Want of Plaintiff proceeding in his Action.

3 & 4 Vict. c. 107. s. 29.

CXCVIII. No Prisoner shall after the filing of a Petition of Insolvency be discharged out of Custody as to any Suit, for any Debt, Sum of Money, Damages, or Claim with respect to which an Adjudication can under the Provisions of this Act be made, by or by virtue of any Supersedeas, Judgment of Nonpros., or Judgment as in the Case of a Nonsuit, for Want of the Plaintiff or Plaintiffs in such Action, Suit, Nonsuit, or Process proceeding therein.

Court to appoint Time for Prisoner to be brought up.

CXCIX. The Court shall, forthwith after such Schedule shall have been filed, appoint a Time, not later than *Four* Months, for such Prisoner to be brought up to be dealt with according to the Provisions of this Act; and where such Prisoner shall be in any Gaol within the County of Dublin or the County of the City of Dublin, the Court shall order such Prisoner to be brought before the Court.

Jurisdiction of the Court over Insolvent Debtors in Custody elsewhere than in County or City of Dublin transferred to the Assistant Barristers.

14 & 15 Vict. c. 57. s. 119.

CC. If any Prisoner in Custody in any Gaol in Ireland, situated elsewhere than within the County of Dublin or the County of the City of Dublin, or any Creditor of such Prisoner shall petition the Court under this Act, or if any such Prisoner or Creditor shall have so petitioned prior to the passing of this Act, and such Petition shall not have been heard, or if the same shall have been heard, and the Consideration thereof shall have been adjourned, the Court may make an Order referring such Petition or Hearing to the Assistant Barrister within whose Jurisdiction such Prisoner was in Custody at the Time of the filing of the Petition, and shall transmit such Petition and Schedule to the Clerk of the Peace for Hearing accordingly, and shall appoint a Time and Place at any Court of Quarter Sessions held within the Jurisdiction of such Assistant Barrister for such Prisoner to be brought up before such Assistant Barrister.

Assistant Barrister to whom the Petition as to Insolvents is referred to have

CCI. Any Assistant Barrister to whom any such Petition shall be so referred shall have and possess the same Power and Authority with respect to every such Petition, and shall make all such Orders, give all such Directions, and do all such Matters and Things

Procedure in Insolvency.

Things requisite for the discharging or remanding of such Prisoner, and otherwise respecting such Prisoner, his Schedule, Creditors, and Assignees, as the Court might make, give, or do in the Matters of Petitions heard before such Court under this Act, and, if he shall deem fit, shall be at liberty to adjourn the Hearing from One Session to another, and to extend the Order for the Protection of the said Insolvent from Arrest during such Adjournment.

the same Powers as the Court for discharging or remanding the Insolvent, &c.

CCII. Every such Petition and Schedule, and all Judgments, Rules, Orders, Directions, and Proceedings thereon by such Assistant Barrister, shall be forthwith, or as soon as conveniently may be after such Hearing or Adjournment thereof, as the Case may be, returned by the Clerk of the Peace to the Court, certified by such Assistant Barrister and Clerk of the Peace respectively, to be a Record of the Court, and to be kept as such among the Records thereof, and the Clerk of the Peace is hereby required to return the same accordingly.

Petition, &c. to be returned by the Clerk of the Peace to the Court.

CCIII. The Court shall have Power to issue its Warrant or Order, directed to the Governor, Keeper, or Gaoler of any Gaol wherein the Insolvent shall be in Custody, directing him to bring the Insolvent before such Assistant Barrister on the Day appointed for the Hearing of such Petition, or at any Adjournment thereof; and every such Governor, Keeper, or Gaoler shall obey such Warrant.

Order for bringing the Insolvent before the Assistant Barrister.

14 & 15 Vict. c. 57. s. 119.

CCIV. The Expense of conveying such Prisoner to any such Quarter Sessions Town, where the Gaol in which such Prisoner shall be confined shall not be situate in such Quarter Sessions Town, or of conveying such Prisoner (when necessary) from such Quarter Sessions Town to the said Gaol, not exceeding *Threepence* per Mile, shall be paid to the Keeper, Gaoler, or other Officer who shall bring such Prisoner to or from any such Quarter Sessions Town, in obedience to any Rule or Order of the Court, out of the Estate and Effects of such Prisoner, if the same shall be sufficient to pay such Expense, and if not, then such Expense shall be paid by the Treasurer of the County, County of a City, or County of a Town in the Gaol of which such Prisoner shall be imprisoned, as the same shall be directed or ordered by such Assistant Barrister before whom such Prisoner shall be brought, and the Grand Jury of such County, County of a City, or County of a Town is hereby empowered and required to present the Amount thereof at the Assizes next ensuing the Day mentioned in such Rule or Order, to be levied off such County, County of a City, or County of a Town.

The Expense of his Removal to be paid out of the Estate of Insolvent, or (on Failure of such Estate) then by Grand Jury Presentment.

CCV. Nothing herein contained shall extend or be construed to deprive the Court of the Power of discharging such Prisoner upon Recognizance of Sureties for the due Appearance

Court to have Jurisdiction before and pending an Adjournment.

Procedure in Insolvency.

of such Prisoner at the Time and Place appointed, or which shall thereafter be appointed, for the Hearing of such Prisoner before such Assistant Barrister as aforesaid, or of the Power of doing, prior to such Hearing before such Assistant Barrister, or pending the Adjournment of such Hearing, any Matter or Thing relative to such Prisoner, his Petition and Schedule, Estate and Effects, Creditors or Assignees.

Jurisdiction of Assistant Barrister to cease after Discharge or Remand.

CCVI. After the Discharge or Remand of such Prisoner by such Assistant Barrister as aforesaid the Jurisdiction of such Assistant Barrister shall cease, save as to any Re-hearing of such Petition pursuant to any Order that may be made by the Court; and all Things necessary to be thereafter done in the Matter of the Petition and Schedule of such Prisoner, his Estate and Effects, Creditors or Assignees, shall be done by the Court.

Clerk of Peace to transmit Returns of Quarter Session Days.

CCVII. Every Clerk of the Peace shall transmit to the Office of the Court in Dublin a Return of the several Days for holding the Quarter Sessions in and for each County, forthwith upon the Appointment of the same by the Assistant Barrister of each County.

Order of detaining Creditor for Discharge of Insolvent to be void at Option of Insolvent.
4 & 5 Vict. c. 47. s. 3.

CCVIII. After the filing of the Petition of Insolvency, and previous to the final Adjudication, any Order of Discharge given by a detaining Creditor of any Insolvent shall be void, if such Insolvent shall, on the same being notified to him, forthwith signify to the Gaoler in that Behalf his Desire that such Order of Discharge shall be so void.

Notice to be given to Creditors, and advertised.

CCIX. The Court shall cause Notice of the filing of every such Petition and Schedule, and of the Time and Place appointed for such Prisoner to be brought up, to be given, by such Means as the said Court shall direct, to the Creditor or Creditors at whose Suit any such Prisoner shall be detained in Custody, and to the other Creditors named in the Schedule of such Prisoner, and resident within the United Kingdom, and whose Debt shall amount to the Sum of *Five Pounds*, and shall cause such Notice to be inserted in the "Dublin Gazette," and also, if the Court shall think fit, in the Edinburgh and London Gazettes, or either of them, and also in such other Newspaper or Newspapers as the Court shall direct.

At the Hearing, the Schedule to be examined.

CCX. Upon such Prisoner being brought up as aforesaid, the Court shall examine into his Schedule, upon the Oath of such Prisoner and of such Parties and other Witnesses as the Court shall think fit; and in case such Notice as the Court shall direct shall have been given by any Creditor of his Intention to oppose such Prisoner's Discharge, it shall be lawful both for the said Creditor and any other of the Creditors of such Prisoner to oppose such Prisoner's Discharge, and

Procedure in Insolvency.

and for that Purpose to examine such Prisoner and such Witnesses as the Court shall think fit touching the Matters contained in such Schedule, and such other Matters as the said Court shall deem fit and proper to inquire into.

Hearing may be adjourned.

CCXI. If the Court shall entertain any Doubt touching any Matter alleged against such Prisoner at such Hearing, to prevent his or her Discharge, or otherwise touching the Schedule or the Examination of such Prisoner, or in case such Prisoner shall refuse to be sworn, or shall not answer upon Oath to the Satisfaction of the Court, it shall be lawful for the Court to adjourn the Hearing and Examination of such Prisoner to some future Sitting of the Court, or to adjourn the same sine Die.

Court may order Prisoner to be again brought up.

CCXII. When any such Hearing shall have been adjourned sine Die the Court may, upon the Application of such Prisoner or any Creditor, to be made within such Time as the Court shall direct, order the said Prisoner to be again brought up for Hearing, and such Notice thereof shall be given as the Court shall direct.

Affidavits may be received in opposition to Prisoner's Discharge in certain Cases. 3 & 4 Vict. c. 107. s. 63.

CCXIII. The Court may receive as Evidence on the Hearing Affidavits of any Persons not resident within the County of Dublin or County of the City of Dublin, and also permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing until such Interrogatories shall be fully answered; and where any Prisoner shall be brought before any Assistant Barrister, pursuant to this Act, it shall be lawful for such Assistant Barrister to receive as Evidence on the Hearing the Affidavits of any Persons not resident within the County where such Prisoner shall be brought up, and also to permit Interrogatories to be filed for the Examination or Cross-examination of any Person making or joining in such Affidavits, and to adjourn the Hearing of such Prisoner until such Interrogatories shall be fully answered.

Official Assignees to examine Schedule, Balance Sheets, and Accounts.

CCXIV. The Official Assignees shall when directed by the Court investigate the Accounts of every Insolvent, and examine into the Truth of his Schedule and Balance Sheets, and report thereon to the Court.

Court may adjudge Prisoner to be discharged, and entitled to the Benefit of Act. 3 & 4 Vict. c. 107. s. 65.

CCXV. It shall be lawful for the Court, at such Hearing or adjourned Hearing, to adjudge and order that such Prisoner shall be discharged from Custody, and entitled to the Benefit of this Act, (at such Time as to the Court, in pursuance of the Provisions herein-after contained in that Behalf, shall think fit,) as to the several Debts and Sums of Money due or claimed to be due at the Time of filing the Petition from such Prisoner to the several Persons named in his Schedule as Creditors, or claiming to be Creditors for

Procedure in Insolvency.

the same respectively, or for which such Persons shall have given Credit to such Prisoner before the Time of filing the Petition, and which were not then payable, and as to the future Claims of any Surety or Bail for such Prisoner named in his or her Schedule as a contingent Creditor, and as to the Claims of all other Persons, not known to such Prisoner at the Time of such Adjudication, who may be Indorsees or Holders of any negotiable Security set forth in his Schedule.

Court may adjudge Discharge, &c. to be forthwith, or not later than Six Months from the filing of the Petition. 3 & 4 Vict. c. 107. s. 66.

CCXVI. Where no Cause shall appear to the contrary, it shall be lawful for the Court to adjudge that such Prisoner shall be so discharged and so entitled as aforesaid forthwith, or so soon as such Prisoner shall have been in Custody at the Suit of One or more of his Creditors for such Period or Periods, not exceeding *Six* Months in the whole, as the Court shall direct.

Court may grant a special Discharge to Trader, so as to release his future Effects.

CCXVII. When the Court shall adjudge any Insolvent, a Trader within the Meaning of this Act, to be discharged, if it shall appear to the Satisfaction of the Court that such Insolvent hath not been guilty of any Fraud on any of his Creditors, or committed any Offence against this Act, or contracted any of his Debts by means of any false Representation, Deceit, or Contrivance, and if the Court shall be satisfied with the Conduct of such Prisoner, and that he hath made a full and true Disclosure of his Estate and Effects, it shall be lawful for the Court (if it shall so think fit) to declare by its Order that such Discharge shall also absolutely free the future acquired Property and Effects of such Insolvent, and such Discharge shall take effect accordingly, and be in such special Form as the Court shall direct, and be termed "an absolute Discharge."

Discharge shall extend to Process for Contempt in Nonpayment of Money;

CCXVIII. The Discharge of any Prisoner shall extend to all Process for any Contempt of any Court, for Nonpayment of Money or of Costs or Expenses, and also to all Costs which such Prisoner would be liable to pay in consequence or by reason of such Contempt or on purging the same; and every such Discharge as to any Debt or Damages shall extend also to all Costs incurred by the Creditor before the filing of such Prisoner's Schedule, in any Suit brought by such Creditor against such Prisoner for the Recovery of the same; and as to such Costs the Creditor shall be entitled to the Benefit of all the Provisions made for Creditors by this Act.

and to Costs incurred by Creditor. 3 & 4 Vict. c. 107. s. 69.

Discharge shall extend to Sums payable by way of Annuity, &c. 3 & 4 Vict. c. 107. s. 70.

CCXIX. The Discharge of any such Prisoner shall extend to any Sum or Sums of Money payable by way of Annuity or otherwise, at any future Time or Times, by virtue of any Bond, Covenant, or other Security.

Not to prevent Mortgages and other Charges on

CCXX. Nothing in this Act contained shall prevent any Mortgage, Charge, or Lien upon any Estate of such Prisoner or any Part thereof

Procedure in Insolvency.

thereof, made prior to the Commencement of the Imprisonment of such Prisoner, from taking place upon the Lands, Tenements, or Hereditaments, or Personal Estate and Effects comprised in or charged or affected by such Mortgage, Charge, or Lien respectively.

Lands, made prior to filing Petition, from taking effect. 3 & 4 Vict. c. 107. s. 71.

CCXXI. Whenever any Creditor opposing any such Prisoner's Discharge shall prove to the Satisfaction of the Court that such Prisoner has done any Act for which he may be liable to Remand, the Court may adjudge the taxed Costs of such Opposition to be paid to such opposing Creditor out of the Estate and Effects of such Prisoner, before any Dividend; and in case it shall appear to the said Court that the Opposition of any Creditor to any such Prisoner's Discharge was frivolous and vexatious, it shall be lawful for the Court to award such Costs to such Prisoner as shall appear to be just and reasonable, to be paid by the Creditor making such Opposition.

Court may order Costs to be paid to opposing Creditors out of the Estate. 3 & 4 Vict. c. 107. s. 73.

Where Opposition frivolous, Costs may be awarded to Prisoner.

CCXXII. Where any such Adjudication shall have been made, the Court shall also issue a Warrant to the Gaoler accordingly, ordering the Discharge of such Prisoner from Custody as to the Detainers under which he shall then be confined, or which shall be lodged against him before he shall be out of Custody, the same being for Debts in respect of which such Adjudication shall have been made; and that every such Adjudication shall take effect as from the Day on which it was made; and that every such Adjudication, and Certificate thereof, and Order thereupon, may be made without specifying therein any such Debt or Debts, or Sum or Sums of Money, or Claims as aforesaid, or naming therein any such Creditor or Creditors: Provided nevertheless, that in all Cases the Detainer or Detainers with respect to which any such Prisoner shall have been adjudged to be discharged out of Custody shall be specified in the Warrant of the Court.

Court to make Order, pursuant to Adjudication, and issue Warrants to Gaoler. 3 & 4 Vict. c. 107. s. 74.

Specification of Debts, &c. not necessary in Adjudication.

CCXXIII. In case it shall appear to the Court that any Insolvent has fraudulently, with Intent to conceal the State of his Affairs or to defeat the Objects of this Act, destroyed or mutilated, or wilfully prevented or purposely withheld the Production of any Books, Papers, or Writings relating to his Affairs, or kept or cause to be kept false Books or made false Entries in or withheld Entries from, or wilfully altered or falsified any such Books, Papers, or Writings, or that any Insolvent has fraudulently, with Intent of diminishing the Sum to be divided among his Creditors, or of giving any undue Preference to any of the said Creditors, discharged or concealed any Debt due to or from any such Insolvent, or parted or made away with, charged, mortgaged, or concealed any Part of his Property, either before or after the Commencement of his or her Imprisonment, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged, and entitled to the Benefit of this Act, as soon as he shall have been in Custody at the Suit of some One or more of his Creditors

In certain Cases Discharge of Insolvent to be at any Period not later than Two Years. 3 & 4 Vict. c. 107. s. 68.

Procedure in Insolvency.

for such Period or Periods, not exceeding *Two* Years from the Time of filing the Petition, as the Court shall direct.

In other Cases, the Discharge of Insolvent to be at any Period not later than Two Years. 3 & 4 Vict. c. 107. s. 68.

CCXXIV. In case it shall appear to the Court that any Insolvent shall have contracted any of his Debts fraudulently, or by means of a Breach of Trust, or of false Pretences, or without having had any reasonable or probable Expectation at the Time when contracted of paying the same, or shall have fraudulently or by means of false Pretences obtained the Forbearance of any of his Debts, or shall have put any of his Creditors to any unnecessary Expense by any vexatious or frivolous Defence or Delay to any Suit for recovering any Debt or Sum of Money due from such Prisoner, or shall be indebted for Damages recovered in any Action for Criminal Conversation, or for Seduction, or for Breach of Promise of Marriage, or for a malicious Prosecution, or for a Libel, or for Slander, or in any other Action for a malicious Injury, or in any Action of Tort or Trespass, where it shall appear to the Satisfaction of the Court that the Injury complained of was malicious, then it shall be lawful for the Court to adjudge that the Insolvent shall be discharged forthwith, except as to such Debt or Debts, Sum or Sums of Money, or Damages as above mentioned, and as to such Debt or Debts, Sum or Sums of Money, or Damages, to adjudge that the Insolvent shall be so discharged so soon as he shall have been in Custody at the Suit of the Person or Persons who shall be Creditor or Creditors for the same respectively for a Period or Periods not exceeding *Two* Years from the Time of filing the Petition.

Adjudication may be conditional in certain Cases. 3 & 4 Vict. c. 107. s. 75.

CCXXV. Where it shall appear to the Court that certain Matters ought to be performed by or on behalf of such Prisoner before he is entitled to be actually discharged from Custody, but that nevertheless it is expedient not to adjourn the Hearing absolutely, it shall be lawful for the Court to pronounce an Adjudication, without issuing any Order and Warrant pursuant thereto, and that such Adjudication may be directed to be conditional on the Performance of such Matters as aforesaid, and that on the Nonperformance thereof the Hearing of such Case shall stand adjourned according to the Direction made in that Behalf.

Where Adjudication a Discharge at a future Period, the Prisoner may be detained or arrested, &c. till that Period arrives. 3 & 4 Vict. c. 107. s. 76.

CCXXVI. Where the Court shall adjudge that any Prisoner shall be so discharged at some future Period, and shall make an Order of Remand to that Effect, such Prisoner shall be subject and liable to be detained in Prison under and by virtue of such Order, at the Suit of any One or more of his or her Creditors, with respect to whom it shall have been so adjudged and ordered, until such Period shall have arrived; and the Gaoler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to detain and keep such Prisoner in his Custody until such Period shall have arrived, for doing which the Order of Remand shall

shall be his sufficient Warrant: Provided always, that it shall be lawful for any such Creditor, at any Time before such Period shall have arrived, to authorize and empower such Gaoler to discharge such Prisoner from Custody at the Suit of such Creditor, in the same Manner and by the same Means as such Creditor might have done if such Prisoner had been arrested and detained or charged in Custody at the Suit of such Creditor under any Civil Process at his Suit.

Procedure in Insolvency.

CCXXVII. Where any such Prisoner shall, upon any such Adjudication, be liable to further Imprisonment at the Suit of his Creditors or any of them, it shall be lawful at any Time for the Court, on the Application of such Prisoner, to order the Creditor at whose Suit he shall be so imprisoned to pay such Prisoner such Sum or Sums of Money, not exceeding the Rate of *Four Shillings* by the Week in the whole, in such Manner as the said Court shall direct; and that on Failure of Payment thereof the Court shall order such Prisoner to be forthwith discharged from Custody at the Suit of such Creditor.

Court may order detaining Creditor to pay Prisoner a Sum not exceeding Four Shillings a Week.
3 & 4 Vict. c. 107. s. 78.

CCXXVIII. If at any Time it shall appear to the Satisfaction of the Court that any Insolvent who hath not obtained an absolute Discharge is of Ability to pay the Debts from which he has been so discharged, or any Part thereof, it shall be lawful for the Court from Time to Time, on the Application of any Assignee or Creditor, to order that the Insolvent shall pay to the Assignees such Sum or Sums of Money as to the Court shall seem proper, until the whole of said Debts shall be satisfied.

If Insolvent becomes able to pay his Debts, Court may make Order on him to pay, &c.

CCXXIX. If such Insolvent shall have died leaving Assets sufficient to pay the Debts from which he was so discharged, or any Part thereof, it shall be lawful for the Court, on the Application of any Assignee or Creditor, to order that such Sum of Money, not exceeding an Amount sufficient to satisfy the said Debts, shall be paid to the Assignees out of the Assets of such Insolvent, and the Sum mentioned in such Order shall thereupon become a Debt due to the Assignees out of the Assets of such Insolvent, and shall be paid to them accordingly; and the Assignees may institute such Proceedings to enforce the same as if they had been Creditors of said Insolvent at the Time of his Decease for the Sum mentioned in such Order.

If Insolvent dies having sufficient Assets, Court may make Order to pay.

CCXXX. In case any Person shall after the Discharge of such Insolvent be possessed of or have under his Control any Stock in the Public Funds, or any Legacy due or growing due, Bills of Exchange, Promissory Notes, Bank Notes, Securities for Money,

Manner of proceeding where, after the Discharge of a Prisoner, any Person shall be possessed of Stock in Public.

Procedure in Insolvency.

Funds, &c. belonging to him.
3 & 4 Vict. c. 107. s. 80.

Goods and Chattels, or any other Property whatsoever, belonging to such Insolvent, or held in trust for him or for his Use and Benefit, or to which such Insolvent shall be in any way entitled, or in case any such Person shall be at such Period in any Manner indebted to such Insolvent, it shall be lawful for the Court, upon the Application of any Assignee or Creditor of such Insolvent, to cause Notice to be given to such Person directing him to hold and retain the said Property till the Court shall make further Order concerning the same; and thereupon it shall be lawful for the Court further to order such Person to deliver over such Property, and to pay such Debts as aforesaid, or any Part thereof, into the Bank of Ireland, or to the Assignees, and such Delivery and Payment shall be made accordingly in obedience to such Order; and such Person shall be thereby discharged in respect of such Property and Debts against all Persons whatsoever, to all Intents and Purposes.

Sums recovered under last Three Sections to form Part of Estate.

CCXXXI. Any Sum or Sums of Money or Property to be recovered by the Assignees under the last Three preceding Sections shall form Part of the Estate and Effects of the Insolvent in the Hands of the Assignees, and shall be distributed amongst the Creditors accordingly.

Persons discharged under this Act not liable to Imprisonment for Debts, &c. to which Adjudication extends.
3 & 4 Vict. c. 107. s. 81.
If arrested, to be released by Judge of the Court from which Process issued;
who may order the Costs to be paid to him.

CCXXXII. No Insolvent shall be imprisoned for any Debt or Sum of Money or Costs with respect to which such Insolvent shall have been discharged, or by reason of any Judgment, Decree, or Order for Payment of the same, but that upon every Arrest or Detainer for or by reason of any such Debt or Sum of Money or Costs, or Judgment, Decree, or Order for Payment of the same, it shall be lawful for any Judge of the Court from which any Writ or Process shall have issued in respect thereof, upon Proof made to his Satisfaction that the Cause of such Arrest or Detainer is such as herein-before mentioned, to release such Prisoner from Custody; and at the same Time, if such Judge shall in his Discretion think fit, it shall be lawful for him to order such Plaintiff, or any Person or Persons suing out of such Writ or Process, to pay such Insolvent the Costs which he shall have incurred on such Occasion, or so much thereof as to such Judge shall seem just and reasonable.

After Discharge, no Execution to issue against Insolvent for Debts, &c. to which Adjudication extends.
3 & 4 Vict. c. 107. s. 82.
Discharge under this Act may be pleaded generally.

CCXXXIII. No Writ of Capias ad satisfaciendum, Fieri facias, or other Writ of Execution against the Body, Goods, or Chattels of such Insolvent, shall issue on any Judgment obtained against such Insolvent for any Debt or Sum of Money with respect to which such Insolvent shall have been discharged, nor in any Action upon any new Contract or Security for Payment thereof; and if any Suit shall be brought against any such Insolvent, his Heirs, Executors, or Administrators, for any such Debt or Sum of Money, or upon any new Contract

Procedure in Insolvency.

Contract or Security for Payment thereof, or upon any Judgment obtained against or any Statute or Recognizance acknowledged by such Insolvent for the same, it shall be lawful for such Insolvent, his Heirs, Executors, or Administrators, to plead generally that such Insolvent was duly discharged according to this Act, by the Order of Adjudication made in that Behalf, and that such Order remains in force, without pleading any other Matter specially; whereto the Plaintiff or Plaintiffs shall or may reply generally, and deny the Matters pleaded as aforesaid, or reply any other Matter or Thing which may show the Defendant not to be entitled to the Benefit of this Act, or that such Person was not duly discharged, in the same Manner as the Plaintiff or Plaintiffs might have replied in case the Defendant or Defendants had pleaded this Act, and a Discharge by virtue thereof, specially.

When Debts are satisfied, Court may order Property in Possession of Assignees to be vested in the Insolvent. 3 & 4 Vict. c. 197. s. 83.

CCXXXIV. Whenever it shall appear to the Satisfaction of the Court that all the Debts in respect of which such Adjudication was made have been discharged, and that there remains in the Possession or vested in or otherwise subject to the Control of the Assignees any Part of the Estate or Effects of such Insolvent, it shall be lawful for the Court to order that the same shall be vested in the said Insolvent, his Heirs, Executors, Administrators, or Assigns, and such Order shall have the Effect of vesting the same accordingly.

Where Error in Schedule, without Fraud, this Act to operate upon the actual Amount of Debt. 3 & 4 Vict. c. 107. s. 84.

CCXXXV. And whereas it may sometimes happen that a Debt of or Claim upon or Balance due from such Insolvent as aforesaid may be specified in his Schedule at an Amount which is not the actual Amount thereof, or the Name or Description of a Creditor may be inaccurately set forth therein, or there may be some Omission, Misdescription, or Mistake therein, without any culpable Negligence or Fraud or evil Intention on the Part of such Insolvent: Be it enacted, That in such Case the said Insolvent shall be entitled to all and every Benefit and Protection of this Act, notwithstanding such Mistake, Omission, or Misdescription in said Schedule; and the Creditor in that Behalf shall be entitled to the Benefit of all the Provisions made for Creditors by this Act in respect of the actual Amount of such Debt, Claim, or Balance, and to all Intents and Purposes, such Omission, Misdescription, or Error in the said Schedule notwithstanding.

Adjudication and Order to be final, unless obtained on false Evidence, &c., in which Case Court may order a Re-hearing. 3 & 4 Vict. c. 107. s. 85.

CCXXXVI. Every such Adjuication shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see sufficient Cause to believe that such Adjudication has been obtained on false Evidence, or otherwise improperly or fraudulently obtained, in which Case it shall be lawful for the Court, upon the Application of the Assignees, or of any Creditor of such

Procedure in Insolvency.

Insolvent, or of the Insolvent, to order such Insolvent, upon due Notice to be given to such Persons and in such Manner as the Court shall direct, to attend or to be brought up, and the said Matter to be re-heard before the Court, and the Court shall thereupon rehear the same, and may, if just Cause shall appear, annul the original Adjudication and Order thereupon, and shall have the same Powers and Authorities upon such Re-hearing as upon any original Hearing; and the Court may, if necessary, remand the said Insolvent to the same Custody in which he was at the Time of the former Hearing, there to be subject to Imprisonment as if the former Adjudication had not been made; and thereupon all Detainers which were in force against such Prisoner at the Time of his former Discharge from Custody shall be deemed to be still in force against him; and the Goaler of the Prison to which such Prisoner shall be so remanded shall and is hereby required to receive such Prisoner into his Custody, in pursuance of such Remand, for doing which the Order of Remand in such Case shall be his sufficient Warrant.

Insolvent refusing to appear may be apprehended, &c.

CCXXXVII. If such Prisoner shall refuse or neglect to appear before the Court, according to any Order for Re-hearing, it shall be lawful for the Court to order such Prisoner to be apprehended, and committed to Custody in such Prison as the Court shall direct, and to issue its Warrant accordingly, and to cause such Prisoner to be brought up for Examination as often as to the Court shall seem fit.

In Adjudication of Discharge or Re-hearing, the Time since former Hearing not to be calculated.

CCXXXVIII. If on any Re-hearing it shall appear to the Court that such Prisoner is not entitled to the Benefit of this Act until some future Period, according to the Provisions herein-before contained, the Court shall and may, if it shall appear reasonable, adjudge the Discharge of such Prisoner at such future Period, to be calculated without including the Time during which such Prisoner shall have been out of Custody since the Time appointed for his Discharge by such former Adjudication as aforesaid.

If Order for Discharge issued by Mistake, the Court may revoke or amend same.

3 & 4 Vict. c. 107. s. 86.

CCXXXIX. If in any Case an Order or Warrant for the Discharge of any such Prisoner shall have issued erroneously, it shall be lawful for the Court, on such Error being shown, to revoke such Order and Warrant, and to annul, suspend, or amend the same, and, if necessary, to recommit such Prisoner to his former Custody, when by such Order or Warrant he shall have been discharged therefrom; and the Gaoler of the Prison to whose Custody such Prisoner shall be so recommitted is hereby required to receive such Prisoner into his Custody according to such Commitment; and all Detainers which were in force against such Prisoner at the Time of such Discharge as aforesaid shall be deemed to be still in

in force against him, as if such erroneous Order or Warrant had not issued.

Procedure in Insolvency.

Prisoner may be examined as to Estate and Effects, on Application of Assignee. 3 & 4 Vict. c. 107. s. 86. Prisoner refusing to appear or to answer Questions may be committed.

CCXL. The Court may at any Time before or after the Discharge, order that such Insolvent may be examined as to any Matters or Things relating to his Estate; and in case such Insolvent shall neglect or refuse to appear before the Court at such Time and Place as shall be directed by such Order, or appearing shall refuse to be sworn or to answer such Questions as shall be put to him relating to the Discovery of his said Estate, then and in any of such Cases it shall be lawful for the Court to commit such Person to such Prison as the Court shall direct, there to remain without Bail or Mainprise until such Time as he shall submit himself to the Order of the Court in that Behalf, and shall answer, upon Oath or otherwise, as shall be required to all such lawful Questions as shall be put to him for the Purposes aforesaid.

Provisions of Act extended to married Women. 3 & 4 Vict. c. 107. s. 90.

CCXLI. The Provisions of this Act shall extend to married Women being Prisoners within the Meaning of this Act, but the vesting of the Estate and Effects of any such married Woman in the Official Assignees shall operate upon all Property, Real and Personal, to which she may be entitled for her separate Use, or over which she shall have any Power of Disposition, notwithstanding her Coverture, or which shall be vested in any Trustees or Trustee or other Person or Persons for her Benefit, and upon all Personal Estate and Effects of which she shall have the actual Possession, except her Wearing Apparel, Bedding, and other such Necessaries, not exceeding in the whole the Value of *Twenty Pounds*, and upon all other Real and Personal Estate and Effects to which she shall be entitled in any Manner whatsoever, in possession, remainder, or reversion, subject only to such Right, Title, or Interest as her Husband may have therein, and without prejudicing any Rights of her Husband in such Real and Personal Estate and Effects respectively, and all Provisions in this Act contained touching the Real and Personal Estate of any Prisoner shall apply to such Real or Personal Estate and Effects respectively, as if such Woman had been sole and unmarried, subject only to the Rights of her Husband therein.

Mode of proceeding with Prisoners of unsound Mind. 3 & 4 Vict. c. 107. s. 91.

CCXLII. If any Prisoner within the Meaning of this Act shall be or become of unsound Mind, the Gaoler of such Prison shall forthwith require One or more Justice or Justices of the Peace for the County, Division, or Place wherein such Prisoner shall be, to attend at the said Prison, and inquire into the State of Mind of such

Procedure in Insolvency.

such Prisoner; and thereupon, and also in case any such Justice or Justices shall receive Information by other Means that any such Prisoner is of unsound Mind as aforesaid, such Justice or Justices shall go to the said Prison, and by his or their own View, and by Examination on Oath of such Person or Persons as he or they shall think fit to examine, shall inquire into the State of Mind of such Prisoner; and if it shall appear to such Justice or Justices upon such Inquiry that such Prisoner is of unsound Mind, and therefore incapable of taking the Benefit of this Act in such Manner as a Person of sound Mind might do, such Justice or Justices shall forthwith make a Record of the Fact, and certify the same to the Court; and thereupon it shall be lawful for the Court to order Notice to be inserted in the "Dublin Gazette," and in Two or more public Newspapers usually circulated in the Neighbourhood of such Prison, and in the Neighbourhood of the usual Residence of such Prisoner before he was committed to such Prison, as the Court shall see fit, that Application will be made to the Court for the Discharge of such Prisoner on a Day to be specified in such Order and Notice, being *Twenty-one* Days at least from the Day of Publication of such One of the said Gazette and Newspapers containing such Notice as shall be last published, which Notice, together with the Service of the like Notice on the Creditor or Creditors at whose Suit such Prisoner shall be detained in Custody, or his or their Attorney or Attornies in such Suit, shall be deemed sufficient to authorize the Court to proceed to the Discharge of such Prisoner, if otherwise entitled to such Discharge, according to the true Intent and Meaning of this Act, and the Court shall proceed accordingly, and shall discharge such Prisoner from Custody, and do all other Acts under this Act, in case it shall appear that such Prisoner might have obtained his or her Discharge under this Act if he or she had been of sound Mind, and thereupon all and every Estate, Right, Title, Interest in Law and Equity, Real and Personal, Power, Benefit, and Emolument whatsoever, which, if such Prisoner was of sound Mind, could or ought to be vested in the said Official Assignee pursuant to the Provisions of this Act, shall, by force and virtue of the Order of the Court for the Discharge of such Prisoner, be vested in the Provisional Assignees as fully and effectually, and in the same Manner, and with all and every the same Consequences and Effects, both in Fact and Law, to all Intents and Purposes whatsoever, as if such Prisoner had been of sound Mind.

Application may be made by Persons on behalf of such Prisoners.

Court may discharge such Prisoners.

No Person to receive Gaol Allowance without subscribing Declaration.
5 & 6 Vict. c. 95. s. 7.

CCXLIII. 'And whereas great Expense has resulted from Persons 'in the Four Courts Marshalsea receiving the Pauper Allowance 'there without any Effort to obtain their Discharge:' Be it therefore enacted, That no Person in future shall be entitled to receive the Gaol Allowance without making and subscribing to the following Declaration,

Declaration, which the Marshal of the Four Courts or his Deputy is hereby authorized to administer: *Procedure in Insolvency.*

'I A. B. do solemnly declare, That I A. B., a Prisoner in the Four Courts Marshalsea, have no Means whatever, directly or indirectly, of supporting myself, and that I have solely and entirely to rely on the Support allowed by Government for Pauper Prisoners confined in the said Four Courts Marshalsea.'

And any Person making the aforesaid Declaration, knowing the same to be false in any Particular, shall, on Conviction thereof, incur and suffer such and the same Penalties as are inflicted on Persons convicted of wilful and corrupt Perjury.

CCXLIV. When such Declaration shall have been subscribed, the Marshal or his Deputy shall forthwith transmit the said Declaration, with a List of the Detainers against such Person who shall have subscribed such Declaration, to the Chief Clerk or other Officer of the Court appointed to receive the same, who shall file the same, and forthwith give Notice in the Dublin Gazette and to the detaining Creditors of the said Person, in such Manner as the Court shall by General or Special Order direct, that if they the said detaining Creditors, or some One of them, shall not, within *Twenty-one* Days after the Publication of the said Notice in said Gazette, file or cause to be filed in the said last-mentioned Court, a Petition of Insolvency against the said Person, the Person in respect of whom such Notice shall have been given shall be entitled to his Discharge from Custody. Notice of Declaration to be given in the Dublin Gazette. 5 & 6 Vict. c. 95. s. 8.

CLXLV. If such Petition shall be filed by any such Creditor, the Court shall thereupon order such Prisoner to file his Schedule, and may cause such Prisoner to be brought up to be dealt with according to this Act and all Things to be done thereon, as in other Cases. Proceedings on filing of Petition.

CCXLVI. And in case such a Petitition shall not be filed by any of the Creditors of the said Person within the said Period of *Twenty-one Days*, then a Discharge shall be made out by such Officer without any further Order or Inquiry, and such Discharge shall be a proper Authority to the Marshal for discharging such Person from Custody, and the Marshal shall discharge the said Person forthwith; and such Discharge shall protect the said Person from future Arrest in respect only of the Debt, Costs, and Sums of Money for the Nonpayment of which he had been committed to or detained in the said Prison, previous to the Publication of the said Notice: Provided always, that the said Discharge shall not have the Effect of extinguishing the said Debts, or barring the Right to recover the said Costs or Sums of Money, or of protecting the Property of the said Person from Seizure Unless detaining Creditors lodge a Petition within Twenty-one Days, Prisoner to be entitled to his Discharge.

Procedure in Insolvency.

and Sale under legal Process, for the Purpose of liquidating and satisfying the said Debts, Costs, and Sums of Money.

This Act not to extend to discharge Crown Debtors, &c., unless Treasury give Consent.
3 & 4 Vict. c. 107. s. 92.

CCXLVII. This Act shall not extend to discharge any Prisoner with respect to any Debt due to Her Majesty or Her Successors, or to any Debt or Penalty with which he shall stand charged at the Suit of the Crown, or any Person, for any Offence committed against any Act or Acts relative to any Branch of the Public Revenue, or at the Suit of any Sheriff or other Public Officer, upon any Bail Bond entered into for the Appearance of any Person prosecuted for any such Offence, unless the Commissioners of Her Majesty's Treasury for the Time being shall consent to such Discharge.

Sheriffs, &c. indemnified for obeying Orders of Court.
3 & 4 Vict. c. 107. s. 95.

CCXLVIII. Every Sheriff, Gaoler, Keeper, or other Officer of any Prison who shall do anything in obedience to any Order of the Court shall be and is hereby indemnified for whatsoever shall be done by them respectively in obedience thereto.

Proof of Debts.

When and how Debts may be proved in Bankruptcy.
6 W. 4. c. 14. s. 56.
12 & 13 Vict. c. 106. s. 164.

CCXLIX. At the Sittings for the Choice of Assignees and for the last Examination, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, every Creditor of the Bankrupt may prove his Debt by his own Oath, or by the Oath of some other Person, or by Affidavit sworn before any of the Persons authorized to take Affidavits under this Act, or in such other Manner as shall be fixed by any General Order; provided, that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof and to examine such other Persons in relation thereto as such Court shall think fit.

Undisputed Debts may be admitted as if proved.

CCL. If at any Sitting of the Court at which Debts may be proved it shall appear to the Court, by the Examination of the Bankrupt, or otherwise, that any Debt is admitted by the Bankrupt either in the whole or in part, and if the Assignees do not nor does any Creditor dispute the same, it shall be lawful for the Court, if it shall think fit, to order that such Debt or the Part thereof not disputed shall be admitted without Oath or Affidavit, and entered as proved, on such Terms, if any, as the Court shall by any General or Special Order direct.

Bonâ fide Creditors in respect of Debts contracted after an Act of Bankruptcy, may prove.
6 W. 4. c. 14. s. 58.
12 & 13 Vict. c. 106. s. 165.

CCLI. Every Person with whom any Bankrupt shall have really and bonâ fide contracted any Debt or Demand before the filing of the Petition of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same as if no such Act of Bankruptcy had been committed.

CCLII. When

Proof of Debts.

CCLII. When any Bankrupt or Insolvent shall have been indebted to any Servant or Clerk of such Bankrupt or Insolvent in respect of the Wages or Salary of such Servant or Clerk, or to any Labourer or Workman, for Wages or Labour, it shall be lawful for the Court to order so much as shall be so due, not exceeding *Six* Months Wages or Salary, and not exceeding *Thirty Pounds*, to be paid to such Servant or Clerk, or so much as shall be so due, not exceeding *Five Pounds*, to be paid to such Labourer or Workman, out of the Estate of such Bankrupt or Insolvent, and such Servant or Clerk, Labourer or Workman, shall be at liberty to prove, or shall be admitted as a Creditor on the Estate, for any Sum exceeding such Amount.

Court may order Six Months Wages or Salary to Clerks or Servants.
6 W. 4. c. 14. s. 59.
12 & 13 Vict. c. 107. s. 40.
12 & 13 Vict. c. 106. s. 168.

CCLIII. Where any Person shall have been an Apprentice to a Bankrupt or Insolvent at the Time of the filing of a Petition of Bankruptcy or Insolvency, the filing of such Petition shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and bonâ fide paid by or on the Behalf of such Apprentice to the Bankrupt or Insolvent as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt or Insolvent, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had in estimating such Sum to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt or Insolvent and to the other Circumstances of the Case.

Apprentices to Bankrupts or Insolvents discharged from their Indentures.
Court may order any Sum to be repaid in respect of Apprentice Fees.
6 W. 4. c. 14. s. 60.
12 & 13 Vict. c. 106. s. 170.

CCLIV. Where there has been mutual Credit given by the Bankrupt or Insolvent and any other Person, or where there are mutual Debts between the Bankrupt or Insolvent and any other Person, the Court shall state the Account between them, and One Debt or Demand may be set against another, notwithstanding, in case of Bankruptcy, any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him, and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt or Insolvent may also be set off, in manner aforesaid, against such Estate; provided that the Person claiming the Benefit of such Set-off had not when such Credit was given Notice of an Act of Bankruptcy by such Bankrupt committed.

Mutual Debts and Credits may be set forth.
6 W. 4. c. 14. s. 61.
12 & 13 Vict. c. 106. s. 171.

CCLV. Any Person who shall have given Credit to the Bankrupt or Insolvent upon valuable Consideration for any Money or other

Debts not payable at the Time of the Bankruptcy

Proof of Debts.

or Insolvency may be proved, deducting Rebate of Interest.
6 & 7 W. 4. c. 14. s. 62.
12 & 13 Vict. c. 106. s. 172.

Matter or Thing whatsoever which shall not have become payable at the Time of the filing of the Petition of Bankruptcy or Insolvency, and whether such Credit shall have been given upon any Bill, Bond, Note, or other negotiable Security, or not, shall be entitled to prove or may be admitted as a Creditor in respect of such Debt, Bill, Bond, Note, or other Security, as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of *Six* Pounds per Centum per Annum, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt or Insolvent may prove, after having paid such Debts.
6 & 7 W. 4. c. 14. s. 63.
12 & 13 Vict. c. 106. s. 173.

CCLVI. Any Person who at the filing of a Petition of Bankruptcy or Insolvency shall be Surety or liable for any Debt of the Bankrupt or Insolvent, or Bail for the Bankrupt or Insolvent, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, although he may have paid the same after the filing of the Petition of Bankruptcy or Insolvency, if the Creditor shall have proved his Debt under the Bankruptcy or Insolvency, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy or Insolvency which such Creditor possessed or would be entitled to in respect of such Proof; or, if the Creditor shall not have proved, such Surety, or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy or Insolvency, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt; provided that such Person had not, when he became such Surety or Bail or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and, after Loss, to prove.
6 & 7 W. 4. c. 14. s. 64.
12 & 13 Vict. c. 106. s. 174.

Persons affecting Insurance admitted to prove any Loss.

CCLVII. The Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance made upon good and valuable Consideration, shall be admitted to claim, and, after the Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, or be admitted as a Creditor and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the filing of the Petition of Bankruptcy or Insolvency against such Obligor or Insuror; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt or insolvent shall be entitled to prove or be admitted as a Creditor for any Loss to which such Bankrupt or Insolvent shall be

be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm. *Proof of Debts.*

CCLVIII. Any Annuity Creditor of any Bankrupt or Insolvent, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy or Insolvency, shall be entitled to prove or be admitted as a Creditor for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the filing of the Petition of Bankruptcy or Insolvency. Annuity Creditor admitted to prove. 6 & 7 W. 4. c. 14. s. 65. 12 & 13 Vict. c. 106. s. 175.

CCLIX. It shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt or Insolvent to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved or have been admitted as a Creditor against such Bankrupt's or Insolvent's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy or Insolvency shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest thereon at the Rate of *Five Pounds* per Centum per Annum from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety, and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant in respect of such Proof to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt or the final Discharge of the Insolvent shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit in Account with such Annuitant for any Dividends received by such Annuitant under the Bankruptcy or Insolvency before such Surety shall have fully paid or satisfied the Amount so proved. Sureties for Payment of Annuities granted by Bankrupt or Insolvent, in what Manner to come in. 6 & 7 W. 4. c. 14. s. 66. 12 & 13 Vict. c. 106. s. 176.

CCLX. If any Bankrupt or Insolvent shall before the filing of a Petition of Bankruptcy or Insolvency, have bonâ fide contracted any Debt payable upon a Contingency, which shall not have happened before the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value Contingent Debt to be provable for the Value thereof, to be ascertained by the Court, or if Value not ascertained before the Contingency

Proof of Debts.

has happened, then, after Contingency has happened, Amount of Debt may be proved.
6 W. 4. c. 14. s. 67.
12 & 13 Vict. c. 106. s. 177.

Value upon such Debt, and the Court is hereby required to ascertain the Value, and to admit such Person as a Creditor for the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove or shall be admitted as a Creditor in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends.

Liability contingent may be admitted as a claim and after Contingency has happened, and the Demand has been ascertained, Demand may be proved.
12 & 13 Vict. c. 106. s. 178.

CCLXI. If any Bankrupt or Insolvent shall, before the filing of a Petition of Bankruptcy or Insolvency, have contracted bonâ fide a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit, and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted as a Creditor for such Demand, and receive Dividends with the other Creditors, and so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends; provided that where any such Claim shall not have, either in whole or in part, been converted into a Proof within *Six* Months after the filing of such Petition, it may, upon the Application of the Assignees, at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged either in whole or in part from the Proceedings.

On Bankruptcy or Insolvency of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed.
5 & 6 Vict. c. 39.
12 & 13 Vict. c. 106. s. 179.

CCLXII. In case of the Bankruptcy or Insolvency of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled "An Act to amend "the Law relating to Advances bonâ fide made to Agents intrusted "with Goods," the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act, shall, in respect of the Sum paid by him on account of such Agent be held to have paid such Sum for the Use of such Agent before his Bankruptcy or Insolvency, or in case such Goods shall not be so redeemed, the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

CCLXIII. Upon

Proof of Debts.

Interest upon Debts when provable, though not reserved or agreed for.

6 W. 4. c. 14. s. 68. 12 & 13 Vict. c. 106. s. 180.

CCLXIII. Upon all Debts or Sums certain, whereupon Interest is not reserved or agreed for, and which shall be overdue at the filing of the Petition of Bankruptcy or Insolvency, the Creditor shall be entitled to prove or be admitted as a Creditor for Interest, to be calculated at a Rate not exceeding *Five Pounds* per Centum per Annum, up to the filing of such Petition, from the Time when such Debts or Sums certain were Payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand.

Plaintiff or Defendant obtaining Judgment, &c. entitled to prove for Costs, &c.

6 W. 4. c. 14. s. 69. 12 & 13 Vict. c. 106. s. 181.

CCLXIV. If any Party whether Plaintiff or Defendant in any Suit shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt or insolvent, for any Debt or Demand in respect of which such Party shall prove or be admitted a Creditor under the Bankruptcy or Insolvency, such Party shall also be entitled to prove, or be admitted a Creditor, for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy or Insolvency.

Proving Debt to be an Election not to proceed by Action.

6 W. 4. c. 14. s. 70. 12 & 13 Vict. c. 106. s. 182.

CCLXV. No Creditor who has instituted any Suit against any Bankrupt or Insolvent in respect of a Demand prior to the Bankruptcy or Insolvency, or which might have been proved or admitted as a Debt under the Bankruptcy or Insolvency, shall prove or be admitted as a Creditor under such Bankruptcy or Insolvency, or have any Claim entered upon the Proceedings, without relinquishing such Suit; and the proving or claiming a Debt under any Bankruptcy or Insolvency by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Bankruptcy or Insolvency with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or Insolvent or his Assignees of the Costs of such Suit so relinquished; and that where any such Creditor shall have instituted any Suit against such Bankrupt or Insolvent, jointly with any other Person, his relinquishing such Suit against the Bankrupt or Insolvent shall not affect such Suit against such other Person; provided also, that any Creditor who shall have so proved or claimed, if the Petition of Bankruptcy or Insolvency be afterwards superseded or dismissed, may proceed in the Suit as if he had not so proved or claimed.

Court may expunge Proof of any Debts which after Investigation

CCLXVI. Whenever it shall appear that any Debt proved or admitted is not justly due, either in whole or in part, the Assignees or any Creditor may make Representation thereof to the Court; and it

Proof of Debts.

do not appear to be due.
6 W. 4. c. 14. s. 71.
12 & 13 Vict. c. 106. s. 183.

shall be lawful for the Court to summon and examine upon Oath any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings, and make such Order therein as to Costs as to the Court shall seem fit.

Ascertainment of Debts in Insolvency.

CCLXVII. The Court may by any General Orders regulate the Admission, Proof, and Ascertainment of Debts in Insolvency.

Assignees, their Rights and Duties.

Assignees how and when chosen.
6 W. 4. c. 14. ss. 55. 72. 80.
12 & 13 Vict. c. 107. ss. 77. 78.
12 & 13 Vict. c. 106. s. 139.

CCLXVIII. The Court shall, by General Orders to be from Time to Time made pursuant to this Act, regulate and fix the Manner and Time of the Choice and Appointment of Creditors Assignees of the Bankrupt's or Insolvent's Estate and Effects; and all Creditors shall be entitled to vote in such Choice personally, or by some Agent duly authorized in Writing; and the Choice and Appointment shall be made by the major Part in Value of the Creditors; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Court may reject or remove any Person chosen as unfit.

Joint Creditor entitled to prove for the Purpose of voting in the Choice of Assignees.
6 W. 4. c. 14. s. 73.
12 & 13 Vict. c. 106. s. 140.

CCLXIX. If One or more of the Partners of a Firm be a Bankrupt or Insolvent, any Creditor of the Firm shall be entitled to prove his Debt or be admitted as a Creditor for the Purpose of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificate, or of the Discharge of the Insolvent, or of any such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt or Insolvent until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.
6 W. 4. c. 14. s. 74.
12 & 13 Vict. c. 106. s. 141.
3 & 4 Vict. c. 107. s. 20.

CCLXX. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make Order thereon that the Insolvent shall file his Schedule or be brought up to be dealt with according to this Act,) all the Personal Estate and Effects of such Bankrupt or Insolvent, present and future, wheresoever the same may be, and all Property which he may purchase, or which may revert, descend, be devised, or bequeathed or come to him, before such Bankrupt shall have obtained his Certificate or such Insolvent shall have become entitled to his final Discharge in pursuance of the Adjudication made in that Behalf; and all Debts due or to be due to him, shall become absolutely vested in the Assignees for the Time being, for the

the Benefit of the Creditors of the Bankrupt or Insolvent; and no such Bankrupt or Insolvent, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of such Bankrupt or Insolvent by any Person, according to the Custom of the City of Dublin or otherwise, but such Assignees shall have absolute Power and Remedy to recover the same in their own Names.

Assignees, their Rights and Duties.

CCLXXI. When any Person shall be adjudged a Bankrupt, and upon the filing of any Petition of Insolvency by any Insolvent, and also on the filing of any Petition of Insolvency against any Insolvent by any Creditor, (if the Court shall make an Order thereon that such Insolvent should file his Schedule or be brought up to be dealt with according to this Act,) all Lands, Tenements, and Hereditaments, (except Copy or Customary hold,) wheresoever the same may be situate, to which any such Bankrupt or Insolvent is entitled, and all Interest therein to which such Bankrupt or Insolvent is entitled, and of which he might have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, or to such Insolvent before his final Discharge, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the Time being for the Benefit of the Creditors of such Bankrupt or Insolvent.

Real Estate to vest in Assignees. 6 W. 4. c. 14. s. 77. 12 & 13 Vict. c. 106. s. 142.

CCLXXII. Where, according to Law, any Conveyance or Assignment of any Real or Personal Property of a Bankrupt or Insolvent would require to be registered, enrolled, or recorded in any Registry Office, Court, or Place in the United Kingdom, or in any of the Dominions of Her Majesty, then and in every such Case a Certificate under the Seal of the Court, and in such Form as the Court may direct, that the Estate and Effects of the Bankrupt or Insolvent have vested in the Assignees, shall be registered in such Registry Office, Court, or Place, and shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; but the Title of any Purchaser of any such Property for valuable Consideration, bonâ fide, without Notice of the Bankruptcy, or before the Commencement of the Imprisonment of such Insolvent, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them, unless such Certificate shall be registered as aforesaid within the Times following: (that is to say,) as regards the United Kingdom, within *Two* Months of the Date of such

Where a Conveyance of a Property of a Bankrupt or Insolvent would require to be registered, the Certificate of the Appointment of the Assignees shall be registered. 6 & 7 W. 4. c. 14. s. 78. 12 & 13 Vict. c. 106. s. 143.

Assignees, their Rights and Duties.

such Appointment, and as regards all other Places, within *Twelve* Months from the Date thereof.

Assignees not to take Crop in any other Way than Bankrupt or Insolvent would have been entitled to.
12 & 13 Vict. c. 106. s. 144.

CCLXXIII. No Assignees of any Bankrupt's or Insolvent's Estate, nor any Purchaser from any such Assignees of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt or Insolvent engaged or employed in Husbandry on any Lands let to Farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt or Insolvent so employed in Husbandry lawfully might have taken, used, or disposed of the same.

Bankrupt or Insolvent not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine whether they will accept Conveyance, &c., any Person entitled may apply to the Court.
6 & 7 W. 4. c. 14. s. 89.
12 & 13 Vict. c. 106. s. 145.
3 & 4 Vict. c. 107. s. 38.

CCLXXIV. If the Assignees of any Bankrupt or Insolvent, being entitled to any Land, either under a Conveyance, Agreement, or otherwise, subject to any Rent, or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Lease or Agreement for a Lease, such Bankrupt or Insolvent shall not be liable to pay any Rent accruing after the filing of the Petition of Bankruptcy or Insolvency, or to be sued in respect of any subsequent Nonobservance or Nonperformance of any Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall not within a reasonable Time after being thereto required elect whether they will accept or decline such Land, or Conveyance or Agreement, or such Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect, and may order the Lessees or the Bankrupt or Insolvent to deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

Vendor of Estate in Lands may compel Assignees to elect whether they will abide by or decline the Agreement for Sale.
6 & 7 W. 4. c. 14. s. 90.
12 & 13 Vict. c. 106. s. 146.
3 & 4 Vict. c. 107. s. 37.

CCLXXV. If any Bankrupt or Insolvent shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement or abandon the same, may apply to the Court, and the Court may thereupon order them or the Bankrupt or Insolvent to deliver up the Agreement and the Possession of the Premises, or may make such other Order therein as such Court shall think fit.

CCLXXVI. All

Assignees, their Rights and Duties.

Assignees may execute Powers previously vested in Bankrupt or Insolvent. 6 & 7 W. 4. c. 14. s. 91. 12 & 13 Vict. c. 106. s. 147. 3 & 4 Vict. c. 107. s. 37.

CCLXXVI. All Powers vested in any Bankrupt or Insolvent which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees, for the Benefit of the Creditors.

Court may order Bankrupts or Insolvents to join in Conveyances. 6 & 7 W. 4. c. 14. s. 92. 12 & 13 Vict. c. 106. s. 148.

CCLXXVII. It shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's or Insolvent's Estate, to order the Bankrupt or Insolvent to join in any Conveyance of such Estate or any Part thereof, or any Act or Deed in relation thereto; and if he shall not comply with such Order, such Bankrupt or Insolvent, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance, and all Estate, Right or Title which such Bankrupt or Insolvent had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

Conditional Estates granted by the Bankrupt or Insolvent may be redeemed. 6 & 7 W. 4. c. 14. s. 84. 12 & 13 Vict. c. 106. s. 149.

CCLXXVIII. If any Bankrupt or Insolvent shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, subject to a Condition or Power of Redemption at a future Day, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance according to such Condition, as fully as the Bankrupt or Insolvent might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Assignees may appoint the Bankrupt or Insolvent to Manage the Estate. 6 & 7 W. 4. c. 14. c. 135. 12 & 13 Vict. c. 106. s. 150.

CCLXXIX. The Assignee may, with the Approbation of the Court, appoint any Bankrupt or Insolvent to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, or in any other respect to aid them in administering the Bankrupt's or Insolvent's Estates and Effects, in such Manner and on such Terms as they may think best.

Assignees subject to Orders of Court. 6 & 7 W. 4. c. 14. s. 119. 12 & 13 Vict. c. 106. s. 151.

CCLXXX. The Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and examine them and require them to pay all Monies, and produce and deliver over all Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees, as the Court shall order.

Member of a Firm becoming bankrupt or insolvent, the Court may authorize Suit in Name of Assignees

CCLXXXI. If any Bankrupt or Insolvent shall at the Time of the Bankruptcy or the filing the Petition of Insolvency be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees to commence or prosecute any Suit in the Name of such Assignees and

Assignees, their Rights and Duties.

and of remaining Partner.
6 & 7 W. 4. c. 14. c. 103.
12 & 13 Vict. c. 107. s. 43.
12 & 13 Vict. c. 106. s. 152.
Partner to have Notice and may show Cause.
Court may direct Partner to have Part of Proceeds.

of the remaining Partner, to recover any Debt due to or any Estate or Effects, of the Partnership; and such Judgment, Decree, or Order may be obtained therein as if such Suit had been instituted with the Consent of such Partner; and if such Partner shall execute any Release of the Claim for which such Suit is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any Costs in respect of such Suit in such Manner as the Court may direct; and it shall be lawful for the Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as the Court shall direct.

Assignees may institute or defend Suits, and compound for Debts or submit Disputes to Arbitration.
6 & 7 W. 4. c. 14. s. 102.
12 & 13 Vict. c. 106. s. 153.
3 & 4 Vict. c. 107. s. 39.

CCLXXXII. The Assignees, with the Leave of the Court, may commence, prosecute, or defend any Suit, which the Bankrupt or Insolvent might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put shall be allowed out of the Estate; and, with like Leave of the Court, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's or Insolvent's Estate as may by Composition be gotten, or may give Time, or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt or Insolvent.

Reference to Arbitration be made a Rule of Court.
12 & 13 Vict. c. 106. s. 154.
6 W. 4. c. 14. s. 102.

CCLXXXIII. If the Assignees shall agree to refer any Matter to Arbitration, such Reference shall be made a Rule of the Court.

Persons from whom the Assignees have recovered, or who have paid the Assignees, &c., discharged from Claims by the Bankrupt or Insolvent.
6 & 7 W. 4. c. 14. s. 108.
12 & 13 Vict. c. 106. s. 155.

CCLXXXIV. All Persons from whom the Assignees shall have recovered any Real or Personal Estate, and all Persons who shall, without Suit bonâ fide deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of such Bankrupt or Insolvent in respect of the same, even although the Petition of Bankruptcy or Insolvency be afterwards dismissed, or the Adjudication annulled.

Allowance to Persons disclosing concealed Property.

CCLXXXV. The Assignees may, with the Approval of the Court, make to any Person who shall discover and disclose Property of any Bankrupt or Insolvent concealed or withheld such Allowance out of such Property as to the Court shall seem fit.

Suits not to abate by Death or

CCLXXXVI. Whenever an Assignee shall die, or be removed, or a new Assignee shall be appointed, no Suit shall be thereby abated, but

Assignees, their Rights and Duties.

but the Court in which any Suit is depending may, upon the Suggestion of such Death or Removal and new Appointment, allow the Name of the new Assignee to be substituted.

Removal of Assignees. 12 & 13 Vict. c. 107. s. 79. 12 & 13 Vict. c. 106. s. 157. 3 & 4 Vict. c. 107. s. 41.

CCLXXXVII. In case any Prisoner who shall have filed a Petition of Insolvency, or against whom a Petition of Insolvency has been filed by any Creditor, shall be discharged out of Custody without any Adjudication being made by the Court, all the Acts done before his Discharge by the Assignees or other Persons acting by the Authority of the Court shall, according to the Provisions of this Act, be good and valid; and in such Case no Suit shall be commenced against any Assignees appointed under this Act, or any Person duly acting under their Authority or the Authority of the Court, except to recover any Property, Estate, Money, or Effects of such Prisoner detained after an Order made by the Court for the Delivery thereof, and Demand made thereupon.

Protection to Assignees if Prisoner discharged without Adjudication. 3 & 4 Vict. c. 107. s. 33.

Limitations of Actions for Things done in pursuance of this Act. General Issue. Costs. 6 & 7 W. 4. c. 14. s. 54. 12 & 13 Vict. c. 106. s. 159.

CCLXXXVIII. Every Action brought against any Person for anything done in pursuance of this Act shall be commenced within *Six* Months next after the Fact committed; and the Defendant may plead that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant.

The Audit and Dividend.

Appointment for Sitting for Audit. 6 & 7 W. 4. c. 14. s. 124. 12 & 13 Vict. c. 106. s. 185. 3 & 4 Vict. c. 107. s. 49.

CCLXXXIX. The Court shall whenever it shall think fit, at a public Sitting, of which such Notice shall be given as the Court shall by any General or Special Order direct, audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when and on what Account, and how the same has been employed, and such other Particulars as the Court may direct; and the Court shall examine such Statement, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and with what Sums the Assignees are properly chargeable; and it shall be lawful for the Court to examine the Assignees upon Oath touching such Accounts, and to make therein all just Allowances, but the Court may, if it think fit, dispense with the Attendance of the Creditor's Assignees at such Sitting.

Court may direct Money to be invested in Exchequer Bills. 6 & 7 W. 4. c. 14. s. 121. 12 & 13 Vict. c. 106. s. 186.

CCXC. The Court may direct any Money, Part of such Estate, to be vested in the Purchase of Exchequer Bills, or in the Public Funds, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills or Funds to be sold when it shall appear to such Court

The Audit and Dividend.

Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or in the Public Funds, or to be applied for the Benefit of the Creditors.

Method of making Dividends. 6 & 7 W. 4. c. 14. s. 125. 12 & 13 Vict. c. 106. s. 187.

CCXCI. The Court shall, whenever it shall think fit, appoint a public Sitting, whereof such Notice shall be given as the Court shall by any General or Special Order direct, to make a Dividend, and may at such Sitting direct such Part of the net Produce of the Estate as it may think fit to be forthwith divided, and make an Order for Dividend accordingly in such Form as the Court shall by any General Order direct; and the Assignees shall forthwith make such Dividend in manner directed by the Orders at any Time in force under this Act relating to the Mode of Payment of Dividends by the Assignees.

Same Sitting for Audit and Dividend.

CCXCII. The Court may appoint the same Sitting for the Audit and Dividend.

Final Dividend within Eighteen Months, except where Suit depending or Estate standing out, &c. 6 & 7 W. 4. c. 14. s. 127. 12 & 13 Vict. c. 106. s. 188.

CCXIII. If the Estate shall not have been wholly divided upon the First Dividend, the Court shall, within *Eighteen* Months after the filing of the Petition, appoint a public Sitting to make a Second Dividend, of which such Notice shall be given as the Court shall by any General or Special Order direct, and at such Sitting shall order the Balance in hand to be forthwith divided; and such Second Dividend shall be final, unless any Suit be depending, or any Part of the Estate be not sold or disposed of, or unless some other Estate or Effects shall afterwards come to the Assignees, in which Case they shall as soon as may be convert such Estate and Effects into Money, and within *Two* Months after the same shall be so converted the same shall also be divided in manner aforesaid.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time.

CCXCIV. If there shall be any outstanding Debts or other Property belonging to the Estate of the Bankrupt or Insolvent which cannot in the Opinion of the Court be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees might have done.

Debtor and Creditor Account to be furnished by Official Assignee, to Trade Assignee,

CCXCV. *Fourteen* Days before a final Dividend shall be advertised there shall be sent by the Official Assignee to each Creditor's Assignee a Debtor and Creditor Account between the Official Assignee and

The Audit and Dividend.

&c. before final Dividend.
12 & 13 Vict. c. 107. s. 36.
12 & 13 Vict. c. 106. s. 189.

and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall, on Application to the Official Assignee, be delivered to any Person who shall pay for the same such Sum, not exceeding *Two Shillings and Sixpence*, as shall be settled by the Court.

No Action to be brought for Dividends, but the Remedy to be by Application to the Court.
6 & 7 W. 4. c. 14. s. 129.
12 & 13 Vict. c. 106. s. 190.

CCXCVI. No Action for any Dividend shall be brought against any Assignee, but if the Assignees shall refuse to pay any such Dividend the Court may order Payment thereof, with Interest for the Time it shall have been withheld, and may also order the Costs of the Application.

Unclaimed Dividends, &c.

Monies standing to Credit of General Fund Account in Insolvency to be carried to the Unclaimed Dividend Account.

CCXCVII. All Monies and Government Securities which shall, at the Time appointed for the Commencement of this Act, stand in the Bank of Ireland, with the Privity of the Chief Clerk of the Court for Relief of Insolvent Debtors, to the Credit of an Account called "The General Fund Account," shall be carried by the Bank of Ireland to the Credit of an Account to be called "The Unclaimed Dividend Account," subject to the Orders of the Court for the Payment thereout of any Dividend, or for the Distribution of any Part thereof, in the Matter to which the same originally belonged.

Unclaimed Dividends to be carried to the same Account.

CCXCVIII. All unclaimed Dividends and all Monies unclaimed, the Produce of any Bankrupt's or Insolvent's Estate, shall, after the Expiration of the Period of *Twelve* Months from the Dividend having been declared, or from the Time at which any other Monies unclaimed shall have come to the Hands of the Assignees, be paid into or transferred to the Credit of "The Unclaimed Dividend Account," subject to the Order of the Court for the Payment thereout of any Dividend due to any Creditor, or for the Distribution of any such other unclaimed Money.

Court may direct Investment.

CCXCIX. The Court may, from Time to Time, direct that the whole or any Part of the Monies standing to the Credit of said Unclaimed Dividend Account shall be invested in the Public Funds.

Application of Interest.

CCC. The Interest and Profit arising from "The Unclaimed Dividends Account" shall from Time to Time be applied, under the Order of the Court, towards defraying the Expenses of the Court.

Allowances to the Bankrupt or Insolvent.

Excepted Articles.
17 & 18 Vict. c. 119. ss. 25, 26, 27.

CCCI. Every Bankrupt and Insolvent shall be entitled to retain, under the Name of excepted Articles, such Articles of Household Furniture, and Tools, Implements of Trade, and other like Neces-

Allowances to the Bankrupt or Insolvent.

saries, as he shall specify and select, not exceeding in the whole the Value of *Twenty Pounds;* and such excepted Articles shall not be subject to be sold or disposed of in the Bankruptcy or Insolvency, or to be taken in Execution at the Suit of any Creditor entitled to prove under the Bankruptcy or Insolvency; and in all Cases there shall be filed with the Proceedings an Inventory of such excepted Articles, with a Valuation of the same respectively, with a Certificate signed by the Appraiser or other Person making such Valuation attesting the Truth thereof, and stating when and where such Articles were seen and valued.

An Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, &c. to be made, which shall not be sold without Order of the Court.

CCCII. Except where the Court shall otherwise order, an Inventory and Valuation of the Remainder of the Bankrupt's or Insolvent's Household Furniture, Tools, and Implements of Trade shall be made and delivered to the Official Assignee; and where the Bankrupt or Insolvent shall, by Writing under his Hand, request the Assignees not to dispose of the same, such Household Furniture, Tool, or Implements of Trade shall not be disposed of by the Assignees without previous Order of the Court; and the Court may, upon the Application of the Bankrupt or Insolvent, postpone the Removal and Sale of the same for such Time as the Court, in the Exercise of its Discretion, shall think fit, and the Court may permit the same to remain in the Use of the Bankrupt or Insolvent, upon such Terms and Conditions and with such Security as may seem proper; and the Court may at any Time order the same to be taken by the Messenger or Assignees, and to be sold for the Benefit of the Creditors.

If Bankrupt or Insolvent entitled to any Allowance, his Household Furniture, &c. to be taken in lieu of Money.

CCCIII. If the Bankrupt or Insolvent shall become entitled to an Allowance in Money, and the Household Furniture, Tools, and Implements of Trade so contained in the last-mentioned Inventory and Valuation shall not have been sold, the Bankrupt or Insolvent shall accept the same at the Valuation so originally put upon the same, or a sufficient Portion thereof, to be selected by him, with the Approbation of the Assignees, as and for his Allowance instead of Money; and such Articles so accepted shall thereupon revest in him as his own Property.

Allowance for Maintenance.
6 & 7 W. 4. c. 14. s. 132.
3 & 4 Vict. c. 107. s. 34.
12 & 13 Vict. c. 106. s. 194.

CCCIV. It shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt or Insolvent, out of his Estate, as shall be necessary for the Support of himself and Family.

Allowance to Bankrupt 5 per Cent. and not

CCCV. The Court may make to every Bankrupt who shall have obtained his Certificate, and every Insolvent who shall have obtained

Allowances to the Bankrupt or Insolvent.

obtained his final Discharge, such Allowance out of the Estate as to the Court shall seem fit, not exceeding the Rates and Amount following, that is to say, if the Net Produce of the Estate shall pay the Creditors *Five Shillings* in the Pound, an Allowance at the Rate of *Three Pounds* per Centum, provided such Allowance shall not exceed *Three Hundred Pounds;* and if such Produce shall pay such Creditors *Ten Shillings* in the Pound, an Allowance at the Rate of *Five Pounds* per Centum, provided such Allowance shall not exceed *Four Hundred Pounds;* and if such Produce shall pay such Creditors *Twelve Shillings and Sixpence* in the Pound, an Allowance at the Rate of *Seven Pounds Ten Shillings* per Centum, provided such Allowance shall not exceed *Five Hundred Pounds;* if such Produce shall pay such Creditors *Fifteen Shillings* in the Pound or upwards, an Allowance at the Rate of *Ten Pounds* per Centum, provided such Allowance shall not exceed *Six Hundred Pounds*.

exceeding 400*l.* as soon as 10*s.* paid in the Pound.
6 & 7 W. 4. c. 14. s. 146.
12 & 13 Vict. c. 107. s. 61.
12 & 13 Vict. c. 106. s. 195.

$7\frac{1}{2}$ per Cent. and not exceeding 500*l.*, if 12*s.* 6*d.*

10 per Cent. and not exceeding 600*l.*, if 15*s.*

CCCVI. The Court may make such Allowance to any Partner if a sufficient Dividend shall have been paid upon the Joint Estate and upon the separate Estate of such Partner, although the other Partner may not be entitled to any Allowance.

One Partner may receive Allowance although other not entitled.
6 & 7 W. 4. c. 14. s. 147.
12 & 13 Vict. c. 107. s. 62.
12 & 13 Vict. c. 106. s. 196.

CCCVII. If the Produce of the Estate of any Bankrupt or Insolvent shall be sufficient to pay *Twenty Shillings* in the Pound, with such Interest as the Court shall allow to the Creditors, and to leave a Surplus, the Court shall order such Surplus to be paid to such Bankrupt or Insolvent, his Executors, Administrators, or Assigns.

If Estate pay 20*s.* in the Pound and Interest and leave Surplus, such Surplus to be paid to Bankrupt or Insolvent.
6 & 7 W. 4. c. 14. s. 150.
12 and 13 Vict. c. 106. s. 197.

Power of Court in relation to Property, &c.

CCCVIII. The Court may at any Time summon any Bankrupt or Insolvent before it; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court by Warrant to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt or Insolvent, either in Ireland or Great Britain, and to bring him before the Court, provided the Warrant, if executed in England or Scotland, shall be verified upon Oath, and backed or indorsed as herein-before directed.

Court may summon Bankrupt or Insolvent, and issue Warrant if he does not attend.
6 & 7 W. 4. c. 14. s. 49.
12 & 13 Vict. c. 106. s. 119.

CCCIX. Upon the Appearance of such Bankrupt or Insolvent, or if such Bankrupt or Insolvent be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt or Insolvent upon Oath, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or

Court may examine Bankrupt or Insolvent as to his Estate, &c.

Power of Court in relation to Property, &c. of Bankrupts and Insolvents.

Estate, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt or Insolvent shall sign.

Court may summon and examine the Wife of Bankrupt or Insolvent.
6 & 7 W. 4. c. 14. s. 50.
12 & 13 Vict. c. 106. s. 118.

CCCX. It shall be lawful for the Court to summon before it the Wife of any Bankrupt or Insolvent, and to examine her upon Oath, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt or Insolvent concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and to reduce her Examination into Writing, which Examination she is required to sign.

Court empowered to summon Persons suspected of having Bankrupt's or Insolvent's Property, &c.
6 & 7 W. 4. c. 14. s. 46.
12 & 13 Vict. c. 106. s. 120.

CCCXI. After Adjudication in Bankruptcy, or the filing of a Petition in Insolvency, it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt or Insolvent in his Possession, or who is supposed to be indebted to the Bankrupt or Insolvent, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt or Insolvent; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court material in relation to the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known to and allowed by the Court), it shall be lawful for the Court by Warrant to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Service of Summons where Persons keep out of the Way.
12 & 13 Vict. c. 107. s. 72.
12 & 13 Vict. c. 106. s. 121.

CCCXII. Where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any Summons, Copy of Affidavit, Notice, or Order, or other Proceeding under this Act is directed is keeping out of the Way, and cannot be personally served therewith, it shall be lawful for the Court to order that the Delivery of a Copy of such Summons, Copy of Affidavit, Notice, or Order, or other Proceeding, to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to Personal Service; and in every such Case the Service of such Summons, Copy of Affidavit, Notice, Order, or other Proceeding under this Act, in pursuance of such Order, shall be and be deemed of the same Effect, to all Intents and Purposes, as Personal Service.

CCCXIII. Upon

Power of Court in relation to Property, &c.

Power to examine Persons summoned or present at any Sitting.
6 & 7 W. 4. c. 14. s. 47.
12 & 13 Vict. c. 106. s. 122.

CCCXIII. Upon the Appearance of any Person summoned or brought before the Court, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath, either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt or Insolvent, and to reduce into Writing the Answers of every such Person; and such Answers, so reduced into Writing, such Person examined is hereby required to sign.

In a Case of Debts due to Bankrupt's or Insolvent's Estate, Court may order Payment.
12 & 13 Vict. c. 106. s. 123.

CCCXIV. If on the Examination of any Person alleged to be a Debtor to the Estate of any Bankrupt or Insolvent it shall appear that such Person is indebted to the Bankrupt or Insolvent in any Sum of Money, and that there is no Set-off or Defence to the same, it shall be lawful for the Court, if it think fit, to order (in the Form contained in the Schedule (S.) to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs; or the Court may, if it think fit, in the said Form contained in Schedule (S.) to this Act annexed, or to the like Effect, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt or Insolvent; provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum, the Residue may be recoverable in the same Manner in all respects as if no such Order had been made.

Property belonging to Bankrupts to be delivered to Assignees.

CCCXV. If any Person shall at the Time of the Bankruptcy of any Bankrupt, or of the Commencement of the Imprisonment of any Insolvent, have had in his Possession any Goods or Chattels of such Bankrupt or Insolvent, and shall have no Title to retain the same against the Assignees, the Court may ascertain the Value thereof, and may order that such Person shall deliver such Goods and Chattels to the Assignees, or pay to the Assignees such ascertained Value.

Court may order Letters addressed to Bankrupt or Insolvent to be re-directed, or delivered to Official Assignees, &c.
12 & 13 Vict. c. 106. s. 124.
10 & 11 Vict. c. 85. s. 11.

CCCXVI. The Court may order, that for a Period not exceeding *Three* Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt or Insolvent shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Assignees, or other Person named in such Order; and upon Notice, by Transmission of a Duplicate of any such Order to the Postmaster General, or the Officers acting under him, by the Assignees, it shall be lawful for the Postmaster General, or such Officers as aforesaid, in England, Scotland, or

Power of Court in relation to Property, &c.

Ireland, to re-address, re-direct, send, or deliver all such Post Letters to the Assignee, or other Person named in such Order, accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for the like or for any other less Period as often as may be necessary.

Court may order Goods in the Possession, Order, or Disposition of the Bankrupt or Insolvent to be sold.
6 & 7 W. 4. c. 14. s. 86.
12 & 13 Vict. c. 106. s. 125.
3 & 4 Vict. c. 107. s. 45.

CCCXVII. If any Bankrupt, at the Time he becomes bankrupt, or if any Insolvent, at the Time of the Commencement of his Imprisonment, shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy or Insolvency; but the Provisions of this Section shall not apply to any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made by way of Security, duly registered according to the Provisions of the Laws in force for the registering of British Vessels.

Not to apply to Assignment of Vessels under the Laws for registering Vessels.

Power of Court over certain Conveyances, &c. made by Bankrupt or Insolvent.
6 & 7 W. 4. c. 14. s. 87.
12 & 13 Vict. c. 106. s. 126.

CCCXVIII. If any Bankrupt or Insolvent, being at the Time in insolvent Circumstances, shall (except upon the Marriage of any of his Children or for some valuable Consideration) have conveyed, assigned, or transferred to any of his Children or to any other Person any Hereditaments, Offices, Fees, Annuities, Leases, Goods, or Chattels, or have delivered or made over to any such Persons any Bills, Bonds, Notes, or other Securities, or have transferred his Debts, to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors; and every such Sale shall be valid against the Bankrupt or Insolvent and such Children and Persons, and against all Persons claiming under him.

Court may sell Property improperly extended.
6 & 7 W. 4. c. 14. s. 85.
12 & 13 Vict. c. 106. s. 127.

CCCXIX. If any Real or Personal Estate or Debts of any Bankrupt be extended after he shall have become bankrupt, or of any Insolvent after the Commencement of his Imprisonment, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt or Insolvent; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold for the Benefit of the Creditors, and such Sale shall be valid against the said Extent and all Persons claiming under it; and any Person to whom

whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Power of Court in relation to Property, &c.

CCCXX. The Court may permit any Mortgagee to bid at any Sale of the mortgaged Premises which shall take place before the Court.

Court may permit Mortgagees to bid at Sale.
12 & 13 Vict. c. 107. s. 67.

CCCXXI. And whereas Bankrupts and Insolvents may be entitled to Property under such Circumstances that the immediate Sale thereof may be very prejudicial: In all such Cases it shall be lawful for the Court to take into consideration all Circumstances affecting such Property and make any Special Order touching the same, and to direct that such Property shall not be sold, and from Time to Time to order and direct in what Manner such Property shall be managed for the Benefit of the Creditors of such Person, until the same can be properly sold, and to make such Orders touching the Sale or Disposition of such Property, and upon such Terms and Conditions with respect to the Allowance of Interest, or otherwise, as to the Court shall seem just.

Discretion as to the Disposal of Property in certain Cases.
3 & 4 Vict. c. 107. s. 36.

CCCXXII. If it shall appear to the Court that the Debts of any Bankrupt or Insolvent can be discharged by means of Money raised by way of Mortgage on any Property of such Person, instead of raising the same by Sale, it shall be lawful for the Court so to order, and to give all necessary Directions for such Purpose, and generally to direct all Things which may be proper for the Discharge of the Debts of such Person, in such Manner as may be most consistent with the Interests of such Person in any Surplus of his or her Effects after Payment of such Debts.

Property may be mortgaged if more beneficial.

CCCXXIII. The Court may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt or Insolvent as, on Communication from the Court to the Secretary-of-War, or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officers of the Department to which such Bankrupt or Insolvent may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt or Insolvent, or to the Court of Directors of the East India Company, they respectively may, under their Hands, or under the Hand of their respective Chief Secretary or other Chief Officer for the Time being, consent to, in Writing, to be paid to the Official Assignee, in order that the same

Pay, Half Pay, and Pensions of Bankrupts and Insolvents to be applicable for Creditors.
12 & 13 Vict. c. 107. s. 38.
3 & 4 Vict. c. 107. s. 44.

Power of Court in relation to Property, &c.

same may be applied in Payment of the Debts of such Bankrupt or Insolvent; and, such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Official Assignee until the Court shall make Order to the contrary.

Where Bankrupt or Insolvent beneficially entitled to Stock, Court may make Order for Transfer.
6 & 7 W. 4. c. 14. s. 94.
12 & 13 Vict. c. 106. s. 128.

CCCXXIV. If any Bankrupt or Insolvent shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in Ireland, England, or Scotland, standing in his Name in his own Right, it shall be lawful for the Court to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignees; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all Things done or permitted pursuant to such Order.

Distress not to be available for more than One Half Year's Rent due; the Landlord to prove for the Residue.
6 & 7 W. 4. c. 14. s. 88.
12 & 13 Vict. c. 106. s. 129.
3 & 4 Vict. c. 107. s. 46.

CCCXXV. No Distress for Rent made after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the filing of the Petition of Bankruptcy, shall be available for more than *Six* Months Rent accrued prior to the Day of the filing of such Petition; and no Distress for Rent made and levied after the Commencement of the Imprisonment of any Insolvent shall be available for more than *Six* Months Rent accrued prior to the filing of the Petition of Insolvency, but the Landlord or Persons to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Where Bankrupt or Insolvent is a Trustee, Court may order Assignment to another Trustee.
6 & 7 W. 4. c. 14. s. 93.
12 & 13 Vict. c. 106. s. 130.

CCCXXVI. If any Bankrupt or Insolvent shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in Ireland, England, or Scotland, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Income or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees, and all Persons whose Act or Consent thereto is necessary, to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock,

Stock, Funds, or Annuities were subject to before the Bankruptcy, or Insolvency, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Income or Produce thereof as the Lord Chancellor shall direct; and it shall be lawful in such Case for the Lord Chancellor to appoint a new Trustee of the Property in the Place of the Bankrupt or Insolvent.

Power of Court in relation to Property, &c.

CCCXXVII. No Title to any Real or Personal Estate sold under any Bankruptcy or Insolvency shall be impeached by the Bankrupt or Insolvent, or any Person claiming under him, in respect of any Defect in any of the Proceedings.

Titles to Property sold not to be impeached.
6 & 7 W. 4. c. 14. s. 101.
12 & 13 Vict. c. 107. s. 26.
12 & 13 Vict. c. 106. s. 131.

CCCXXVIII. After the Adjudication of Bankruptcy on a Creditor's Petition shall have been advertised in the "Dublin Gazette," or upon the filing of any Petition of Bankruptcy by a Trader, or of any Petition of Insolvency, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt or Insolvent, to pay and deliver over to the Official Assignee, or to the Bank of Ireland, to the Credit of the Assignees of the Bankrupt or Insolvent for the Time being, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or Insolvent or his Assignees.

The Court may order any Treasurer, &c. or Agent of the Bankrupt to deliver all Monies, &c.
12 & 13 Vict. c. 106. s. 132.
12 & 13 Vict. c. 107. s. 68.

CCCXXIX. All Goods and Chattels of any Bankrupt or Insolvent which shall at the filing of the Petition be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to the Assignees, and the Court may make Order accordingly.

Goods under Attachment to be delivered up.

CCCXXX. In all Cases where it shall be made to appear to the Satisfaction of the Court that there is reason to believe that any Property of any Bankrupt or Insolvent is concealed in any House or other Place not belonging to such Bankrupt or Insolvent, the Court may grant a Search Warrant to the Messenger and his Assistants or other Person appointed by the Court; and it shall be lawful for such Messenger and his Assistants or other Person to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants or other Persons shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule (R.) to this Act annexed, or to the like Effect.

Search Warrants may be granted.
6 & 7 W. 4. c. 114. s. 42.
12 & 13 Vict. c. 107. s. 42.
12 & 13 Vict. c. 106. s. 106.

Power of Court in relation to Property, &c.

No Action to be brought against Persons acting in obedience to Warrant of the Court.
6 & 7 W. 4. c. 14. s. 44.
12 & 13 Vict. c. 106. s. 107.

CCCXXXI. No Action shall be brought against any Messenger or his Assistants or other Person appointed by the Court for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant or other Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for *Six* Days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant or Person so appointed, the Jury at the Trial of such Action, on the Production and Proof of such Warrant, shall give their Verdict for the Defendant.

Protected Transactions.

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale,) to be valid, if no Notice of Prior Act of Bankruptcy.
6 & 7 W. 4. c. 14. ss. 95, 96, 98.
12 & 13 Vict. c. 106. s. 133.
7 & 8 Vict. c. 90. s. 36.

Nothing herein to give Validity to Payment, &c. by way of fraudulent Preference.

CCCXXXII. All Payments really and bonâ fide made by or on behalf of any Bankrupt, before the filing of the Petition of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and bonâ fide made to any Bankrupt before the filing of such Petition, and all Conveyances by any Bankrupt bonâ fide made and executed before the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt really and bonâ fide made and entered into before the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt bonâ fide executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt bonâ fide executed and levied by Seizure and Sale, before the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed; provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, Notice of any Prior Act of Bankruptcy by him committed; provided that nothing herein contained shall be deemed or taken to give Validity to any Payment, or other Dealing or Transaction whatever being a voluntary or fraudulent Preference of any Creditor by such Bankrupt; or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit actionem, or Judge's Order obtained by Consent, given by any Bankrupt by way of voluntary or fraudulent Preference.

Creditors having Security not to receive more than other Creditors.
6 & 7 W. 4. c. 14. s. 126.
12 & 13 Vict. c. 106. s. 184.
2 & 3 Vict. c. 86. s. 1.

CCCXXXIII. No Creditor having Security for his Debt, or having made any Attachment in Dublin or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall

Protected Transactions.

shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution or Extent served and levied by Seizure and Sale of or any Mortgage of or Lien upon any Part of the Property of such Bankrupt, before the filing of a Petition of Bankruptcy.

No Validity to null or fraudulent Matters. 12 & 13 Vict. c. 106. s. 184.

CCCXXXIV. Nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order, declared to be null and void; nor to give Validity to any Judgment entered up, under or by virtue of any such Warrant of Attorney or Consent, nor to any Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent; nor to give Validity to any Contract, Covenant, Dealing, or Transaction by way of voluntary or fraudulent Preference.

Registry of Judgment under 13 & 14 Vict. c. 29. ss. 6 & 7. not to give Priority unless, &c.

CCCXXXV. No Judgment Creditor who, under the Provisions of an Act of Parliament passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Twenty-nine, Sections Six and Seven, shall, after the passing of this Act, have registered an Affidavit of his Judgment, shall be entitled thereby, in the event of the Bankruptcy of the Person against whom such Judgment shall have been registered, to any Priority or Preference over Simple Contract Creditors, unless such Affidavit shall have been registered *Three* Months before the filing of the Petition.

Bonâ fide Purchases not to be impeached unless Petition filed within Six Months after Act of Bankruptcy. 6 & 7 W. 4. c. 14. s. 100. 7 & 8 Vict. c. 90. ss. 37, 38. 12 & 13 Vict. c. 106. s. 134.

CCCXXXVI. No Purchase from any Bankrupt bonâ fide and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Petition of Bankruptcy shall have been filed within *Six* Months after such Act of Bankruptcy.

Warrants of Attorney, &c.

Certain Warrants of Attorney, Cognovits, and Consents, given within Two Months of filing Petition, to be null and void. 12 & 13 Vict. c. 106. s. 135.

CCCXXXVII. Every Warrant of Attorney to confess Judgment in any personal Action given by any Bankrupt or Insolvent after *the Commencement of this Act*, and within *Two* Months of the filing of a Petition of Bankruptcy or Insolvency by or against such Bankrupt or Insolvent, and being (wholly or in part) for or in respect of an antecedent Debt or Money Demand, and every Cognovit actionem or Consent for Judgment given by any Bankrupt or Insolvent at any Time after *the Commencement of this Act*, and within *Two* Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt or Insolvent, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt or Insolvent, such Bankrupt or Insolvent being unable to meet his Engagements at the

Warrants of Attorney, &c.

Time of giving such Warrant of Attorney, Cognovit actionem, or Consent, (as the Case may be,) shall be deemed and taken to be null and void, whether the same shall have been given by such Bankrupt or Insolvent in contemplation of Bankruptcy or Insolvency or not.

Warrants of Attorney and Cognovits actionem to be void unless the same or a Copy thereof be filed, &c. within 21 days after the Execution thereof.
12 & 13 Vict. c. 106. s. 136.
3 & 4 Vict. c. 105. s. 12.

CCCXXXVIII. If after *the Commencement of this Act* any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit actionem in any personal Action, shall have been given by any Bankrupt or Insolvent, and such Warrant or Cognovit, or a true Copy thereof, shall not have been filed with the proper Officer in the Courts at Dublin in which Judgment on such Warrant or Cognovit shall thereafter be entered up, within *Twenty-one* Days next after the Execution thereof, in Manner and Form provided by the Act passed in the Session of the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, every such Warrant and Cognovit shall be deemed fraudulent, null, and void, to all Intents and Purposes whatsoever; and if any such Warrant or Cognovit which shall be so filed as aforesaid shall have been given subject to any Defeasance or Condition, such Defeasance or Condition shall be written on the same Paper or Parchment on which such Warrant or Cognovit shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant or Cognovit shall be null and void to all Intents and Purposes whatever.

Pleas of Confession, Consents, &c. to be void unless filed within 21 Days, in like Manner with Warrants of Attorney and Cognovits actionem.
12 & 13 Vict. c. 107. s. 111.
12 & 13 Vict. c. 106. s. 137.

CCCXXXIX. After *the Commencement of this Act*, the Provisions of the said Act passed in the Session of the Third and Fourth Years of the Reign of Her present Majesty, Chapter 105, with reference to the filing of Warrants of Attorney to confess Judgment, or Copies thereof, and the numbering, entering, and searching of the same, shall extend and be applicable to all Pleas of Confession, and Cognovits actionem, and all Acknowledgments and Consents for Judgment, and Copies thereof respectively, in any Suit in any of the Superior Courts of Law in Ireland, and to the numbering, entering, and searching for the same; and if at any Time after *Twenty-one* Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment or Consent for Judgment, a Petition of Bankruptcy shall be filed by or against the Person, who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment under which he shall be found and declared a Bankrupt, or if at any Time after the said Period of *Twenty-one* Days, a Petition of Insolvency shall be filed by or against such Person, and an Order made thereon, that such Insolvent should file his Schedule or be brought up to be dealt with under this Act, then unless such Plea, Cognovit, Acknowledgment or Consent for Judgment, shall, within *Twenty-one* Days from the Execution or signing thereof

thereof, have been filed, pursuant to the Provisions of the same Act, or unless, within the same Period, Judgment shall have been entered thereon, and registered according to the Provisions of the Act of the Seventh and Eighth Years of the Reign of Her present Majesty, Chapter Ninety, such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees in Bankruptcy or Insolvency, and such Assignees shall be entitled to recover, for the Benefit of his Estate, all Monies levied or Effects seized by virtue of any Execution on such Judgment.

Warrants of Attorney, &c.

CCCXL. If at any Time after *Twenty-one* Days from the entering or signing of any Judgment whatsoever in any of the said Superior Courts (save and except Judgments entered upon or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, duly filed under the Provisions of this Act, or of the hereinbefore mentioned Act of the Third and Fourth Years of the Reign of Her present Majesty, Chapter One hundred and five,) a Petition of Bankruptcy shall be filed against or by the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, or if at any Time after said Period of *Twenty-one* Days a Petition of Insolvency shall be presented by or against such Person, then and in such Case, unless such Judgment shall have been duly registered, within *Twenty-one* Days from the entering or signing thereof, in the said Office of the Registrar of Judgments, such Judgment and any Execution thereon shall be deemed fraudulent and void against the Assignees under such Commission or Petition, and such Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Insolvent, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

Judgments not registered within Twenty-one Days of entering to be void.
12 & 13 Vict. c. 107. s. 113.

CCCXLI. There shall be payable to the Masters of the said Superior Courts a Fee of *One Shilling*, and no more, for each Search in respect of such Warrants of Attorney, Pleas of Confession, Cognovits, Acknowledgments, and Consents, whether some only or all of the Books shall be searched, and whether the Search shall be against One or more Persons.

Fee for Search.
12 & 13 Vict. c. 107. s. 112.

CCCXLII. If any such Prisoner shall, before or after his or her Imprisonment, being in insolvent Circumstances, voluntarily convey, assign, transfer, charge, deliver or make over any Estate, Real or Personal, Security for Money, Bond, Bill, Note, Money, Property, Goods, or Effects whatsoever to any Creditor, or to any Person or Persons in trust for or to or for the Use, Benefit, or Advantage

Voluntary Preference fraudulent and void as against Assignees.
3 & 4 Vict. c. 107. s. 47.

Warrants of Attorney, &c.

of any Creditor, every such Transaction shall be fraudulent and void as against the Assignees of such Prisoner under this Act: Provided always, that no such Transaction shall be so deemed fraudulent and void unless made by such Prisoner within *Three* Months before the Commencement of his Imprisonment, or with the View or Intention of petitioning the Court for his Discharge from Custody under this Act.

Warrant of Attorney and Cognovit actionem not to be acted upon against Goods of Insolvent after his Imprisonment. 3 & 4 Vict. c. 48.

CCCXLIII. In all Cases where a Petition of Insolvency shall have been filed by or against any Prisoner, in case the said Prisoner shall have executed any Warrant of Attorney to confess Judgment, or shall have given any Cognovit actionem or Bill of Sale, whether for a valuable Consideration or otherwise, no Person shall, after the Commencement of the Imprisonment of such Prisoner, avail himself or herself of any Execution issued or to be issued upon any Judgment obtained or to be obtained upon such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, either by Seizure and Sale of the Property of such Prisoner or any Part thereof, or by Sale of such Property theretofore seized, or any Part thereof, but any Person to whom any Sum or Sums of Money shall be due in respect of any such Warrant of Attorney or Cognovit actionem, or of such Bill of Sale, shall and may be a Creditor or Creditors for the same under this Act.

Estates Tail.

Clauses in 4 & 5 W. 4. c. 92. with respect to the Disposition of Estates Tail under Bankruptcies, extended to Proceedings under this Act.

CCCXLIV. Such of the Clauses of an Act passed in the Fourth and Fifth Years of the Reign of King William the Fourth, intituled "An Act for the Abolition of Fines and Recoveries and for the "Substitution of more simple Modes of Assurance in Ireland," as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers Forty-eight, Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, and Sixty-one, shall extend and apply to Proceedings in Bankruptcy under a Petition of Bankruptcy, and to Proceedings in Insolvency under a Petition of Insolvency, as fully and effectually as if those Clauses were re-enacted in this Act.

Copyholds.

Court may make Sale of Copyhold Lands for the Benefit of Creditors. 6 & 7 W. 4. c. 14. s. 82. 12 & 13 Vict. c. 106. s. 209.

CCCXLV. The Court shall have Power to sell, and by Deed indented, enrolled in the Courts of the Manor whereof the Lands respectively may be holden, to convey for the Benefit of the Creditors, any Copyhold or Customaryhold Lands in England, Ireland, or elsewhere, or any Interest to which any Bankrupt or Insolvent is entitled therein, and thereby to entitle or authorize any Person to surrender the same for the Purpose of any Purchaser being admitted thereto.

CCCXLVI. Every

Copyholds.

Vendees of Copyhold Lands shall compound with the Lord for their Fines.
6 & 7 W. 4. c. 14. s. 83.
12 & 13 Vict. c. 106. s. 210.

CCCXLVI. Every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Arrangements under the Control of the Court.

Any Trader unable to fulfil his Engagements with his Creditors may petition the Court for Protection.
12 & 13 Vict. c. 107. ss. 90–107.
12 & 13 Vict. c. 106. ss. 211–223.

CCCXLVII. Any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Control of the Court, and of submitting himself to the Jurisdiction of the Court in manner herein-after mentioned, may present a Petition to the Court setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from Process until further Order; and the Court on such Petition shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and if the Petitioner be in Prison or Custody for Debt may, except in the Cases next herein-after mentioned, order his Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear that the Petitioner is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him for any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, or other malicious Proceeding: Provided also, that such Release shall in nowise affect any Rights of the Creditor against such Petitioner, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Court: Every such Petition may be in the Form contained in the Schedule (T.) to this Act annexed or to the like Effect, and shall be filed in the Court, with an Affidavit in the Form contained in Schedule (M.) to this Act annexed or to the like Effect.

Petition to be supported by Affidavit.

Court to appoint private Sitting, and Estate to be possessed by Official Assignee.

CCCXLVIII. Forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time as it may name, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner

Arrangements under the Control of the Court.

or any Part thereof shall be possessed and received by the Official Assignees or be taken possession of by the Messenger of the Court, and that all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignees into the Bank of Ireland to the Credit of such Official Assignees, to be subject to the like Rules and Regulations as in Bankruptcy; and the Court shall have Power to examine on Oath such Petitioner or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting from Time to Time as it shall think fit; and Notice of such private Sitting shall be given to the Creditors at such Time and in such Manner as the Court shall by any General or Special Order direct.

Petitioning Trader to file Account Ten Days before the Day appointed for private Sitting.

CCCXLIX. Such Petitioning Trader shall, *Ten* Days before the Date appointed for the private Sitting, file in the Court, and in such Form as may by any Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property of what kind soever held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignees with a Copy of such Account.

At First Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation to be appointed.

CCCL. At such private Sitting, or at any Adjournment thereof, the Creditors shall prove their Debts, such Proofs to be in all respects as Proofs in Bankruptcy; and the Petitioning Trader shall attend and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting or at any Adjournment thereof *Three Fifths* in Number and Value of the Creditors who have proved Debts to the Amount of *Ten Pounds* shall assent to the Proposal of such Petitioner or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal; and such Second Sitting shall be held not earlier than *Fourteen* Days from the First Sitting, and Notice thereof in Writing shall be given to every Creditor who was not present by himself or his appointed Agent at such First Sitting, at such Time and in such Manner as the Court shall, by any General or Special Order, direct.

If at Second Sitting Three Fifths in Number and Value of

CCCLI. At such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts; and if *Three Fifths* in Number and Value of those who have proved Debts to the Amount of

Arrangement under the Control of the Court.

of *Ten Pounds* shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, *and the Creditors shall sign the same;* and such Resolution or Agreement, subject to such Confirmation as herein-after mentioned, shall thenceforth be binding and of full Force as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings; and the Court, after hearing such Creditors, by themselves, their Counsel or Attornies, as may desire to be heard, either for or against such Resolution or Agreement, may approve and confirm the same, and cause it to be filed and entered of Record, and grant to the Petitioner a Certificate thereof, and may from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case.

the Creditors who have proved Debts to the amount of 10*l.* and upwards agree to accept, Resolution to be binding on all, and Court may approve and confirm the same.

Agent of Creditor may vote.

CCCLII. Any Person duly authorized by Writing under the Hand of any Creditor who has proved a Debt to the Amount of *Ten Pounds* and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee either alone or (if required by Resolution) jointly with any other Person.

CCCLIII. From and after the Date of the Approval and Confirmation of such Resolution or Agreement, all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignees (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution), as fully as if such Official Assignees and other Parties were Assignees under any Bankruptcy.

Official Assignee to file Account every Six Months.

CCCLIV. The Official Assignees shall once at least in every *Six* Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to their Hands, and of the Disposal thereof; and the Court shall examine the same, and shall certify the Result of such Examination, and if need be order Payment to the Creditors of such Petitioner according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear just and reasonable.

Arrangements under the Control of the Court.

If any Difficulty arise in the Execution of Resolution, &c., a special Sitting may be held.

CCCLV. In case any Difficulty shall arise in the Execution of the said Resolution or Agreement, it shall be lawful for the Court to cause a special Sitting of the Court to be held; and the Resolution of the Majority in Number and Value of the Creditors at such Sitting who have proved Debts to the Amount of *Ten* Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if *One Third* in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting the Resolution thereof shall not be valid, unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CCCLVI. So soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under Seal of the Court, in the Form contained in the Schedule (U.) to this Act annexed or to the like Effect, and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy.

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed; and if at First Sitting Proposal be not assented to, or if Debts contracted by Frauds, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

CCCLVII. If such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition may be dismissed; and if at the First Private Sitting of the Court or at any Adjournment thereof the Proposal of the Petitioner or some Modification thereof be not assented to, or if at any Time after the filing of any Petition for Protection, if it shall be shown that the Affidavit filed with his Petition was wilfully untrue so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a bonâ fide Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or if within *Three* Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination as in Bankruptcy; and such Petitioner shall thence-

forth

forth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of Inquiry, and may summon before it such Petitioning Trader or any other Person, and examine him upon Oath touching such Matters; and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

Arrangements under the Control of the Court.

CCCLVIII. The Court may, if it think fit, from Time to Time direct that any Sitting of the Court or Proceeding in any Matter under this Act shall be private, and that any Part of the Proceedings shall not be open to Inspection without Special Order.

Private Sittings.

CCCLIX. In any Bankruptcy or Insolveney, the Parties concerned or submitting to the Jurisdiction may, at any Stage of the Proceedings, by Consent, state any Question or Questions in a Special Case for the Opinion of the Court.

Questions of Law raised by Consent. 15 & 16 Vict. c. 76. s. 46. 16 & 17 Vict. c. 113. s. 92. 3 & 4 Vict. c. 105. s. 50.

CCCLX. The Parties may, if they think fit, agree that, upon the Judgment of the Court being given in the Affirmative or Negative of the Question or Questions raised by such Special Case, a Sum of Money, fixed by the Parties, or to be ascertained by the Court or in such Manner as the Court may direct, shall be paid by one of such Parties to the other of them, either with or without Costs.

Payment of Money by Party on Judgment being given.

Evidence.

CCCLXI. The proper Officer of the Court shall, unless the Court shall otherwise direct, on the reasonable Request of any Bankrupt, Insolvent, or arranging Debtor, or of any Creditor of such Bankrupt or Insolvent having proved his Debt, or of any arranging Debtor when the Debt of the arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Insolvent, Debtor, or Creditor, produce and show to such Bankrupt, Insolvent, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Commission, Petition, Adjudication, and Petition for Arrangement against or by such Bankrupt or Insolvent, and all Orders and Proceedings under any such Commission, Petition, or Adjudication; and the Court may, if it think fit, order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Insolvent, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Commission, Petition, or Adjudication, and the Estate of the Bankrupt, Insolvent, or Debtor, in

Officer of Court to produce Proceedings, and give Copies thereof. 12 & 13 Vict. c. 106. s. 233. 6 & 7 W. 4. c. 14. s. 109-111. 12 & 13 Vict. c. 107. s. 84. 3 & 4 Vict. c. 107. s. 94.

Evidence.

in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall, subject to the Order and Direction of the Court, provide, for any such Bankrupt, Insolvent, Debtor, Creditor, or Attorney requiring the same, any Office Copy of such Commission, Petition, or other Proceedings, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, and shall be entitled to receive, for providing and attesting such Copy, *Three Halfpence* for every Sheet therein, the said Sheets to contain Seventy-two Words and no more.

If Bankrupt do not dispute the Adjudication, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt and against Persons whom the Bankrupt might have sued.
12 & 13 Vict. c. 107. s. 26.
17 & 18 Vict. c. 119. s. 24.

CCCLXII. If the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication) within *One Month* after the Advertisement of the Bankruptcy in the "Dublin Gazette," or (if he were in any other Part of Europe at the Date of the Adjudication) within *Three* Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within *Twelve* Months after such Advertisement, have commenced a Suit to dismiss the Petition or to dispute or annul the Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the "Gazette" containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Suits brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Suit, that such Person so adjudged bankrupt became a Bankrupt before the Date and filing of the Petition for Adjudication.

In certain Actions by or against any Person acting under the Bankruptcy, no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed.
6 & 7 W. 4. c. 14. s. 104.
12 & 13 Vict. c. 106. s. 234.

CCCLXIII. In any Action at the Suit of or against the Assignees in Bankruptcy, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required at the Trial of the Petitioning Creditor's Debt, or of the Trading, or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before or with Notice of Trial, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice.

The same in Suits in Equity.
6 & 7 W. 4. c. 14. s. 105.
12 & 13 Vict. c. 106. s. 235.

CCCLXIV. In all Suits in Equity, whether at the Suit of or against the Assignees in Bankruptcy, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such

Evidence.

such Suit, except such Parties as shall within *Ten* Days after the Commencement of the Suit give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall if the Court see fit, be paid by the Parties so giving such Notice.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence. 6 & 7 W. 4. c. 14. s. 114. 12 & 13 Vict. c. 106. s. 236. 8 & 9 Vict. c. 113. 3 & 4 Vict. c. 107. ss. 16. 94.

CCCLXV. Every Petition of Bankruptcy, Petition of Insolvency, Schedule, Adjudication, Petition for Arrangement between a Debtor and his Creditors, Appointment of Assignees, Certificate, Deposition, Order, Document, or other Proceeding in Bankruptcy or Insolvency, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of suc Proceedings and Orders having respectively taken place or been made without any further Proof thereof: Provided always, that all Commissions of Bankrupt, Depositions, and other Proceedings under the same, which may have been entered of Record before the Commencement of this Act, and having the Certificate of Entry thereon, purporting to be signed by the Person appointed to enter the same by the Act of the Irish Parliament, Eleventh and Twelfth George the Third, Chapter Eight, and the Act Sixth and Seventh William the Fourth, Chapter Fourteen, or his Deputy, shall, without Proof of the Appointment or Handwriting of such Person, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place.

11 & 12 G. 3. c. 8. (I.) 6 & 7 W. 4. c. 14.

Judicial Notice to be taken of Signature of Judge or Registrar, and of the Seal of the Court. 12 & 13 Vict. c. 106. s. 237.

CCCLXVI. All Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Judge or Registrar or Chief Clerk of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document, to be made or signed under the Provisions of this Act.

Evidence of Declaration of Insolvency. 12 & 13 Vict. c. 106. s. 238.

CCCLXVII. A Copy of a Declaration of Insolvency under this Act, purporting to be under the Seal of the Court, and to be certified by a Registrar of the Court as a true Copy, shall be received as Evidence of such Declaration, and of the same having been filed.

 CCCLXVIII. A Copy

Evidence.

Advertisements when Evidence. 12 & 13 Vict. c. 106. s. 240.

CCCLXVIII. A Copy of the Dublin Gazette, and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively, shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement.

On Death of Witness, Office Deposition or Copy thereof to be Evidence. 6 & 7 W. 4. c. 14. s. 113. 12 & 13 Vict. c. 106. s. 242.

CCCLXIX. In the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof, purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

Before whom Affidavits are to be sworn. 12 & 13 Vict. c. 107. s. 69. 12 & 13 Vict. c. 106. s. 243.

CCCLXX. All Affidavits to be made or used in any Matter or Proceeding under this Act shall and may be sworn before the Court, or any Judge or Registrar thereof, or the Chief Clerk in Insolvency, or before a Master Extraordinary of the High Court of Chancery in Ireland, or before the Clerk of Affidavits, or any other Officer of the High Court of Chancery in Ireland authorized to take Affidavits, or any Justice of the Peace within his County, or, in England or Scotland, either before any Commissioner or other Person appointed by the Court of Chancery in Ireland for taking Affidavits, or having Authority to take Affidavits for the said Court, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a British Minister, Consul, or Vice-Consul; and every such Officer or other Person is hereby authorized and required to administer the Oath upon any such Affidavit.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison. 12 & 13 Vict. c. 106. s. 244.

CCCLXXI. Any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in Ireland, England, or Scotland, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or before the principal Keeper or Gaoler of such Prisons or Gaols; and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

No Fees payable for swearing Affidavits.

CCCLXXII. No Fee or Reward whatever shall be taken or received by any Court or Magistrate, or any Inspector, Keeper, or Governor of any Gaol, for or in respect of the swearing of any Affidavit according to this Act.

Evidence may be taken vivâ voce or upon Affidavit. 6 & 7 W. 4. c. 14. s. 155. 12 & 13 Vict. c. 106. c. 245.

CCCLXXIII. The Lord Chancellor or the Court may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either vivâ voce on Oath, or by Interrogatories in Writing, or upon Affidavit.

CCCLXXIV. All

Evidence.

Forms of Rules and Proceedings of the Court. 3 & 4 Vict. c. 107. s. 96.

CCCLXXIV. All Rules, Orders, Warrants, and other Proceedings of the Court may be in such Form and contain such Particulars as the Court shall by any General Orders to be made from Time to Time direct, and the same shall not be invalidated by reason of any Want of Form or Omission therein, if such Want of Form or Omission shall not, in the Opinion of the Court before whom the same shall be brought, be calculated to mislead or prejudicially to affect any Party to be affected thereby.

Solicitors.

Every Attorney or Solicitor of the Superior Courts may practise in the Court. 6 W. 4. c. 14. s. 16. 12 & 13 Vict. c. 106. s. 247.

CCCLXXV. Every Attorney or Solicitor of any of the Superior Courts of Law or Equity in Dublin may appear, act in, and plead any Proceeding in the Court of Bankruptcy and Insolvency, without being required to employ Counsel; and in case any Person, not being such Attorney or Solicitor, shall practise in the Court as such, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto; and all Laws now in force concerning Attornies and Solicitors shall extend, so far as the same may be applicable, to Attornies and Solicitors practising before the Court as aforesaid.

Misconduct of Attorney or Solicitor.

CCCLXXVI. If any Attorney or Solicitor shall be guilty of any Misconduct, the Court may suspend or discontinue altogether his Right to practise in the Court.

Costs.

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 3 & 4 Vict. c. 105. s. 27, to be applicable to this Act.

CCCLXXVII. The Provisions in an Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of Her Majesty, Chapter 105, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Commissioners of Bankruptcy, therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor, and the Master of the Rolls, and the Court of Commissioners of Bankruptcy, in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor, and of the Court, in Matters of Bankruptcy or Insolvency under this Act.

Court may in all Cases award Costs.

CCCLXXVIII. The Court may in all Matters before it order such Costs as to such Court shall seem fit and just to be paid by any of the Parties, and may order that a Sum certain shall be paid as the full Amount of the Costs, without Taxation.

Offences against the Law of Bankruptcy and Insolvency.

Bankrupt or Insolvent, not delivering up Books, &c., or

CCCLXXIX. If any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before *Three* of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally, or left at his usual or last known Place of Abode or

Offences against the Law of Bankruptcy, &c.

removing, concealing, or embezzling Estate.
6 & 7 W. 4. c. 14. s. 130.
12 & 13 Vict. c. 107. s. 44.
12 & 13 Vict. c. 106. s. 251.

Business, or personal Notice in case such Person be then in Prison, and Notice given in the Dublin Gazette of the Adjudication and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of, or allowed by the Court,) surrender himself to such Court, and sign or subscribe such Surrender, or if any such Bankrupt or Insolvent upon such Examination shall not discover all his Real and Personal Estate, and how and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, or if any such Bankrupt or Insolvent shall not deliver up to the Assignees all such Part of such Estate, and all Books, Papers, and Writings relating thereunto as shall be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, Wife, and Children,) or if any such Bankrupt or Insolvent shall remove, conceal, or embezzle any Part of such Estate to the Value of *Ten Pounds* or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud, every such Bankrupt and Insolvent shall be deemed guilty of a Misdemeanor.

Wilfully omitting anything in the Schedule a Misdemeanor.
3 & 4 Vict. c. 107. s. 88.

CCCLXXX. If any Bankrupt or Insolvent shall, with Intent to defraud, wilfully and fraudulently omit from his Schedule any Effects or Property whatsoever, or retain or except out of such Schedule, as Wearing Apparel, Bedding, Working Tools and Implements, or other Necessaries, Property of greater Value than *Twenty Pounds*, every such Person so offending shall be deemed guilty of a Misdemeanor.

Bankrupt or Insolvent destroying or falsifying Books, &c.
12 & 13 Vict. c. 107. s. 46.
12 & 13 Vict. c. 106. s. 252.

CCCLXXXI. If any Bankrupt shall, in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, or if any Insolvent shall, in contemplation of Insolvency, or with Intent to defeat the Object of the Law relating to Insolvents, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor.

Any Member of a Company, with Knowledge of or in contemplation of a Bankruptcy, destroying or falsifying Books, &c. of the Company, or making false Entries, &c. guilty of a Misdemeanor.
8 & 9 Vict. c. 98. s. 28.

CCCLXXXII. If any Person, being a Member of any Joint Stock Company which shall be adjudged bankrupt, shall, after and with Knowledge of an Act of Bankruptcy within the Meaning of this Act committed by such Company, or in contemplation of the Bankruptcy of such Company, have destroyed, altered, mutilated, or falsified any of the Books, Papers, Writings, or Securities of such Company, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud, or to defeat the Object of this Act, every such Person shall be deemed to be guilty of a Misdemeanor.

CCCLXXXIII. If

Offences against the Law of Bankruptcy, &c.

CCCLXXXIII. If any Bankrupt or Insolvent shall within *Three* Months next preceding the filing of the Petition of Bankruptcy or Insolvency, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels, with Intent to defraud, or if any such Bankrupt or Insolvent shall, within such Time and with such Intent, dispose of any of his Goods or Chattels otherwise than by bonâ fide Sales in the ordinary Way of his Trade, every such Bankrupt or Insolvent shall be deemed guilty of a Misdemeanor.

Bankrupt or Insolvent within Three Months preceding his Bankruptcy or Insolvency obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade.
12 & 13 Vict. c. 107. s. 47.
12 & 13 Vict. c. 106. s. 253.

CCCLXXXIV. If any Bankrupt or Insolvent shall within *Three* Months next preceding the filing of the Petition of Bankruptcy or Insolvency wilfully and knowingly commit any Fraud on his Creditors, or do any Act, or make any false Representation knowing it to be false, with Intent to defraud his Creditors, every such Bankrupt or Insolvent shall be guilty of a Misdemeanor.

Bankrupt or Insolvent within Three Months preceding his Bankruptcy or Insolvency committing any Fraud on his Creditors, &c.

CCCLXXXV. Every Person convicted of a Misdemeanor under this Act shall be liable to Imprisonment for any Term not exceeding *Two* Years, with or without Hard Labour.

Persons convicted of Misdemeanor to be liable to Imprisonment.

CCCLXXXVI. Any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit or Deposition or Affirmation, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

False Evidence.
6 & 7 W. 4. c. 14. s. 117.
12 & 13 Vict. c. 107. s. 73.
12 & 13 Vict. c. 106. s. 254.
3 & 4 Vict. c. 107. s. 89.

CCCLXXXVII. If any Bankrupt or Insolvent shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a Prosecution of such Bankrupt or Insolvent for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of the Estate and Effects of such Bankrupt or Insolvent, and such Assignees shall thereupon institute and carry on such Prosecution accordingly.

Court may direct Prosecution.
12 & 13 Vict. c. 107. s. 53.
12 & 13 Vict. c. 106. s. 255.

CCCLXXXVIII. If any Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power relating to any of the Matters under Inquiry which such Person is required by the Court to produce, and to the Production of which he shall not state any

Any Person refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.
6 & 7 W. 4. c. 14. ss. 47. 49. 50.
12 & 13 Vict. c. 106. s. 260.

Offences against the Law of Bankruptcy, &c.

Objection allowed by the Court, it shall be lawful for the Court by Warrant to commit such Person to such Prison as such Court shall think fit, there to remain without Bail until he or she shall submit himself or herself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power.

Warrant of Committal for unsatisfactory answering, or refusing to answer, need not specify Questions. 12 & 13 Vict. c. 107. s. 49.

CCCLXXXIX. In any Warrant of Committal of any Person by the Court for refusing to answer any Question, or for not fully answering to the Satisfaction of the Court, or for refusing to subscribe his Examination, it shall not be necessary to set forth or specify any such Questions, nor any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the said Warrant to the Examination or Deposition of the Person as remaining on the File of Proceedings, and to specify in the said Warrant the precise Date of the Examination or Deposition so referred to; provided, however, that in every Case in which any Person shall be so committed for refusing to answer, or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within *Twenty-four* Hours next after his actual Committal to Prison; and in default of the said Copy being delivered the Person committed shall be discharged from Custody, either by the Court, or by the Judge before whom such Person may be brought by Habeas corpus, with such Costs, if any, as the said Court or Judge may deem just; and save as herein above provided, no Person shall be discharged from such Custody for mere Matter of Form, but upon the Merits only.

Copy of the Examination to be furnished to the Person committed.

Form of Warrant.

CCCXC. Every Warrant for unsatisfactory answering may be in the Form or to the Effect in Schedule (V.) to this Act annexed, or to the like Effect; and every Warrant for refusing to answer, or for being guilty of any Riot or Disturbance in the Court, or for interrupting the Court in the Exercise of its Duty, may be respectively in the Forms or to the Effect in Schedules (W.) and (X.) respectively, or to the like Effect.

On Habeas corpus, Judge or Court may inspect the whole Examination.

CCCXCI. If any Person so committed for unsatisfactory answering shall sue forth any Writ of Habeas corpus in order to be discharged from such Commitment, it shall be lawful for the Court or Judge before whom such Person shall be brought to inspect and consider

sider the whole of the Examination or Deposition of such Person so referred to as aforesaid; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Obstructing the Messenger, &c. a Misdemeanor. 12&13 Vict. c. 107. s. 50.

CCCXCII. If any Person shall knowingly and wilfully resist, hinder, or obstruct any Messenger of the Court in the Execution of his Duty as such Messenger, every such Person so offending shall be deemed guilty of a Misdemeanor, and, being thereof duly convicted, shall be liable to Imprisonment, with or without Hard Labour, for any Term not exceeding *Six Months*.

Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-assignee to retain or employ it, to be charged with 20 per Cent. 6 & 7 W. 4. c. 14. s. 122. 12 & 13 Vict. c. 106. s. 265.

CCCXCIII. If any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-assignee so to retain or employ any Sum to the Amount of more than *One hundred Pounds*, Part of the Estate of any Bankrupt or Insolvent, or shall neglect to invest any Money in the Purchase of Exchequer Bills or in the Public Funds, when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of *Twenty* per Centum per Annum on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same, and the Court is hereby required to charge every such Assignee in his Account accordingly.

Persons disobeying any Order of Court to be committed to Prison until they conform, or the Court or the Lord Chancellor shall otherwise order. 12 & 13 Vict. c. 106. s. 266. 6 W. 4. c. 14. s. 158.

CCCXCIV. If any Person shall disobey any Order of the Court, duly made, for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, the Court may, by Warrant in the Form contained in Schedule (Y.) to this Act annexed, or to the like Effect, commit the Person so offending to Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprise until such Court or the Lord Chancellor shall make Order to the contrary.

Petitioning Creditor compounding with Trader after Bankruptcy. 6 & 7 W. 4. c. 14. s. 224. 12 & 13 Vict. c. 106. s. 268.

CCCXCV. If any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

 CCCXCVI. Any

Offences against the Law of Bankruptcy, &c.

Concealing Bankrupt's or Insolvent's Effects.
6 & 7 W. 4. c. 14. s. 139.
12 & 13 Vict. c. 106. s. 269.

CCCXCVI. Any Person who shall wilfully conceal any Real or Personal Estate of any Bankrupt or Insolvent, and who shall not within *Forty-two* Days after the filing of the Petition of Bankruptcy or Insolvency discover such Estate to the Court or to the Assignees, shall forfeit the Sum of *One hundred Pounds* and *Double* the Value of the Estate so concealed.

Obtaining Money, &c. as Inducement to forbear Opposition or Consent to Certificate or Discharge.
6 & 7 W. 4. c. 14. s. 143.
12 & 13 Vict. c. 107. s. 58.
12 & 13 Vict. c. 106. s. 270.

CCCXCVII. If any Creditor of a Bankrupt or Insolvent shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt or Discharge of such Insolvent, every such Creditor so offending shall forfeit and lose for every such Offence the *Treble* Value or Amount of such Money, Goods, Chattels, or Security so obtained.

Officers, &c. taking Fees improperly.
6 & 7 W. 4. c. 14. s. 157.
12 & 13 Vict. c. 106. s. 271.

CCCXCVIII. If any Judge, Registrar, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act, or under colour of doing anything under this Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take for him or on his Account, or for or on account of any Person by him named, or in trust for him, or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money or any Thing of Value whatsoever, other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of *Five hundred Pounds*, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority.
12 & 13 Vict. c. 106. s. 272.

CCCXCIX. Any Person who shall wilfully insert or cause to be inserted in the Dublin Gazette, or in any Newspaper, any Advertisement under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Judge or Officer, or the Seal of Court.
12 & 13 Vict. c. 106. s. 273.

CCCC. If any Person shall forge the Signature of any Judge or Registrar, or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Judge, Registrar, or other Officer, or a false or counterfeit Seal of the Court subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth

Eighth and Ninth Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Admission in Evidence of certain "official and other Documents."

Offences against the Law of Bankruptcy, &c.

CCCCI. If any Gaoler to whose Custody any Bankrupt, Insolvent, on other Person shall be duly committed, shall refuse to receive such Bankrupt or Insolvent or other Person, or shall suffer him to escape, every such Gaoler shall forfeit *Five hundred Pounds.*

Gaoler suffering Persons committed to escape. 12 & 13 Vict. c. 106. s. 274. c. 107. s. 5.

CCCCII. All Sums of Money forfeited under this Act may be sued for by the Assignees of the Estate and Effects of any Bankrupt or Insolvent connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record; and such Sums of Money, when recovered, shall be added to and form Part of the Estate.

Application of Forfeitures. 6 & 7 W. 4. c. 14. s. 118. 12 & 13 Vict. c. 106. s. 275.

Fees and Stamp Duties.

CCCCIII. Every Document enumerated in the Schedule (Z.) to this Act annexed shall, after the Commencement of this Act, be printed or written upon Vellum, Parchment, or Paper, bearing the Stamp Duty set opposite to such Document in such Schedule: Where any such Document shall consist of more than One Sheet, only the First Sheet shall be impressed with the Stamp: No Fees, or Stamp Duties other than those authorized by the Act, shall be payable in respect of any Affidavit, Certificate, Bond, Motion, or Proceeding in Bankruptcy or Insolvency, or under this Act.

Stamps in lieu of Fees. 6 & 7 W. 4. c. 14. ss. 5. 8. 11. 12 & 13 Vict. c. 107. s. 116. 12 & 13 Vict. c. 106. s. 48. No Fees to be payable other than as directed by this Act.

CCCCIV. The Commissioners of Inland Revenue shall give Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect.

Commissioners of Inland Revenue to give the necessary Directions. 12 & 13 Vict. c. 106. s. 49.

CCCCV. The Commissioners of Inland Revenue may appoint any Persons to sell and distribute such Stamps, and allow them such Discount or Poundage as may by any General Rule be directed; and the Commissioners may by any such General Rule make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled, or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which, through Mistake or Inadvertence, may have been improperly or unnecessarily used; and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like kind.

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps. 12 & 13 Vict. c. 106. s. 50.

Fees and Stamp Duties.

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act.
12 & 13 Vict. c. 106. s. 51.

CCCCVI. The Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care and Management of the Commissioners of Inland Revenue shall (so far as the same are applicable, and consistent with the Provisions of this Act,) in all Cases not hereby expressly provided for be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually, to all Intents and Purposes, as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Aliens and Denizens.
12 & 13 Vict. c. 107. s. 117.

CCCCVII. This Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

Extension of Act.

CCCCVIII. This Act shall not extend to either England or Scotland, except where the same are expressly mentioned.

SCHE-

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Acts and Parts of Acts repealed.

Date of Act.	Title.	Extent of Repeal.
1 & 2 G. 4. c. 40. -	An Act to repeal so much of an Act made in the Parliament of Ireland in the Eleventh and Twelfth Years of the Reign of King George the Third, for preventing Frauds committed by Bankrupts, as inflicts Capital Punishment on certain Offences therein specified; and to provide more suitable and effectual Punishment for such Offences.	The whole.
6 W. 4. c. 14. -	An Act to amend the Laws relating to Bankrupts in Ireland.	The whole.
6 & 7 W. 4. c. 74. -	An Act to abolish certain Offices connected with the Court of Chancery in Ireland, and to provide for the Performance of the Duties thereof.	Clause XXXIV. in the Copy printed by Her Majesty's Printers.
1 Vict. c. 48. - -	An Act to appoint a Second Commissioner of Bankrupts in Ireland, and to amend an Act passed in the 6th and 7th Years of the Reign of His late Majesty King William the Fourth, intituled "An Act to amend the Laws relating to Bankrupts in Ireland."	The whole.
2 & 3 Vict. c. 86. -	An Act to amend an Act passed in the Sessions holden in the Sixth Year of His late Majesty King William the Fourth, for amending the Laws relating to Bankrupts in Ireland.	The whole.
3 & 4 Vict. c. 105. -	An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases; for extending the Remedies of Creditors against the Property of Debtors; and for the further Amendment of the Law and the better Advancement of Justice in Ireland.	Clause VIII. in the Copy printed by Her Majesty's Printers.
3 & 4 Vict. c. 107. -	An Act to continue and amend the Laws for the Relief of Insolvent Debtors in Ireland.	The whole.
4 & 5 Vict. c. 47. -	- - - - - - -	The whole.
5 & 6 Vict. c. 95. -	An Act for consolidating the Four Courts Marshalsea, Dublin, and the City Marshalsea, Dublin, and for regulating the Four Courts Marshalsea in Ireland.	Clauses VII. and VIII. in the Copy printed by Her Majesty's Printers.

Date of Act.	Title.	Extent of Repeal.
7 & 8 Vict. c. 90. -	An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy, and for providing One Office for the registering of all Judgments in Ireland; and for amending the Laws in Ireland respecting Bankrupts and the Limitation of Actions.	Clauses XXXVI., XXXVII, and XXXVIII. in the Copy printed by Her Majesty's Printers.
8 & 9 Vict. c. 48. -	An Act to substitute a Declaration for an Oath in Cases of Bankruptcy.	So far as relates to Ireland.
8 & 9 Vict. c. 98. -	An Act for facilitating the winding up the Affairs of Joint Stock Companies in Ireland unable to meet their pecuniary Engagements.	The whole, save Clause XXIX. in the Copy printed by Her Majesty's Printers.
10 & 11 Vict. c. 85.	An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.	Clause XI. in the Copy printed by Her Majesty's Printers.
12 & 13 Vict. c. 107.	An Act for the Amendment of the Law of Bankruptcy in Ireland.	The whole.
14 & 15 Vict. c. 57.	An Act to consolidate and amend the Laws relating to Civil Bills and the Courts of Quarter Sessions in Ireland, and to transfer to the Assistant Barristers certain Jurisdiction as to Insolvent Debtors.	Clause XIX. in the Copy printed by Her Majesty's Printers.

SCHEDULE (B.)

The Irish Bankrupt and Insolvent Act, 1857.

RETURN by One of the Official Assignees of the Court of Bankruptcy and Insolvency in Ireland, showing the State of every Bankruptcy and Insolvency under his Charge, for the Year ending on the 31st Day of December 18 .

	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.
Name of Bankrupt.	Date of Petition.	Gross Amount of Debts and Liabilities stated in the Balance Sheet.	Net Amount of Debts proved.	Gross Amount of Assets in Balance Sheet.	Total Amount of Assets collected.	Total Amount paid in Dividends.	Average Rate per Cent. on the Debts proved.	Total Amount of Charges (exclusive of the Allowances to the Official Assignee).	Total Amount of Allowances paid to the Official Assignee.	Total Amount of Allowances to Official Assignees for Petty Expenses.	Average Rate per Cent. on Monies collected by Official Assignees.	Balance in Bank of Ireland to the Credit of the Estate.	Balance in Hands of Official Assignee.	Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy).	Cause of Failure as shown by Books and Accounts.	Bankruptcies and Insolvencies in which final Dividends have been declared, and the Estates wound up, between the 1st January and 31st December 18 , inclusive.	Dates of Certificates allowed.	Dates of Discharge of Insolvents, with the Periods of Remand, if any.	Observations.
A.																			
1.																			
2.																			
3.																			
4.																			
etc.																			
Name of Insolvent.																			
B.																			
1.																			
2.																			
3.																			
4, etc.																			

I certify this to be a true Return.

Dated this 15th Day of January 18 .

[Signature]
One of the Official Assignees of the Court of Bankruptcy and Insolvency.

SCHEDULE (C.)
No. 1.

[In Bankruptcy.]

Declaration of Insolvency by Trader.

I, the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors.

Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be,*] this Day of in the Year of our Lord

Witness, (Signed) *E.F.*

G.H., Attorney of the Court.

SCHEDULE (C.)
No. 2.

Declaration of Insolvency by Joint Stock Company.

By virtue of a Resolution duly passed in that Behalf on the Day of at a Board of Directors of [*here state the Name or Style of the Company*], duly summoned for that Purpose, it is hereby declared, that the said Company [*or* Society, *&c., as the Case may be,*] is unable to meet its Engagements.

Dated this Day of in the Year

[*Common Seal of the Company, or, if the Company have no Common Seal, the Signature of the Chairman of the Board of Directors who was present at the passing of the Resolution.*]

Witness *O.H.*, Attorney [*or* Solicitor] of the Court of and Attorney [*or* Solicitor] of the said Company, and attesting Witness to the Execution hereof as such Attorney [*or* Solicitor].

SCHE-

SCHEDULE (D.)

[In Bankruptcy.]

Writ of Summons and Plaint to be served on a Member of Parliament in order to enforce the Provisions of "The Irish Bankrupt and Insolvent Act, 1857."

VICTORIA, &c.

To *C.D.* of, *&c. &c.* Esquire, having Privilege of Parliament, greeting:

and you are hereby informed that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Irish Bankrupt and Insolvent Act, 1856," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance and Defence to be filed for you within Twenty-one Days next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Dublin, the Day of

This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney, in manner following; that is to say,

This Writ was issued by *E.F.* of Attorney for the Plaintiff [*or* Plaintiffs] within named.

or

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be*].

SCHEDULE (E.)

[In Bankruptcy.]

Affidavit for summoning a Trader Debtor.

A.B. of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Irish Bankrupt and Insolvent Act, 1857," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the Day of instant [*or last*] personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

SCHEDULE (F.)

[In Bankruptcy.]

Particulars of Demand, and Notice requiring Payment.

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account*].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of

Dated this Day of in the Year of our Lord

SCHEDULE (G.)

[In Bankruptcy.]

Summons of Trader Debtor.

These are to will and require you to whom this Summons is directed personally to be and appear before the Court of Bankruptcy and Insolvency in the City of Dublin on the Day at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Irish Bankrupt and Insolvent Act, 1857," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof; or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail at your Peril.

Given under my Hand, the Day of in the Year of our Lord

(Signed) *C.D.* Judge.

SCHE-

SCHEDULE (H.)

[In Bankruptcy.]

Admission of Debt by Trader Debtor.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

Whereas I, the undersigned *E.F.* of am summoned to appear before this Court for the Purpose of stating whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof: Be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of
[*or* in Part of the said Sum of that is to say, in the Sum of].

(Signed) *E.F.*

SCHEDULE (I.)

[In Bankruptcy.]

Deposition by Trader Debtor that he has good Answer to Creditor's Demand or some Part thereof.

Court of Bankruptcy and Insolvency, Dublin,
Day of A.D.

E.F. being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Court, and bearing Date the Day of

(Signed) *E.F.*

Sworn before me,
J.K. Judge.

SCHEDULE (J.)

Form of Bond to pay admitted Demand.

Know all Men by these Presents, That we, *A.B.*, *C.D.*, and *E.F.*, are jointly and severally held and firmly bound to *E.F.*, in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment to be well and truly made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 18 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy and Insolvency in Ireland, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.*, amounting to the Sum of or any and what Part thereof, or whether he verily believes that he has a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he, the said *A.B.*, hath a good Defence upon the Merits to the said Demand [*or* to Part of the said Demand]: * And whereas an Action, wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant, is now depending in [*name the Court in which the Action is depending*] for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now therefore the Condition of this Obligation is such, That if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue [*or, if an Action has not been already brought, insert, instead of the Paragraph following the*, these Words:* Now therefore the Condition of this Obligation is such, That if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand, [*or* las-mentioned Sum, *as the Case may require*,] this Obligation shall be void and of no Effect, but otherwise shall be and remain in full force and virtue.]

SCHEDULE (K.)

In Bankruptcy.]

Admission of Debt by Trader Debtor signed out of Court.

I, the undersigned *E.F.*, of do hereby confess, That I am indebted to *A.B.* of in the Sum of

(Signed) *E.F.*

Dated this Day of A.D.

Witness,

G.H., Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

SCHEDULE (L.)

[In Bankruptcy.]

Petition of Bankruptcy by a Creditor.

To the Court of Bankruptcy and Insolvency.

The humble Petition of

Showeth,

That being a Trader, is indebted unto your Petitioner in the Sum of

and that your Petitioner has been informed and believes that the said did lately commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, That on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said . And your Petitioner shall ever pray, &c.

Signed by the Petitioner, on the Day of 18 ,

in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners. If the Petition be by several not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.

If the Petition be against Partners, alter the Form accordingly.

SCHEDULE (M.)

[In Bankruptcy.]

Affidavit of Truth of Allegations in Petition.

Day of A.D.

of in the of the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true.

Sworn at this Day of 18 , before me

If the Petitioner affirm, alter the Form accordingly.

SCHEDULE (N.)

[In Bankruptcy.]

Petition by a Trader for Adjudication of Bankruptcy against himself.

To the Court of Bankruptcy and Insolvency.

The humble Petition of

Showeth,

That your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court that his available Estate is sufficient to produce the Sum of Fifty Pounds at the least.

Your Petitioner therefore humbly prays, That, on Proof of the Requisites in that Behalf, Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the Day of 18 , in the Presence of Solicitor in the Matter of this Petition.

If the Petition be by Partners, alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.

SCHEDULE (O.)

Court of Bankruptcy and Insolvency.

Certificate of Conformity.

In the Matter of *A.B.* of a Bankrupt.

Whereas the said *A.B.* of was on the Day of duly adjudged and declared a Bankrupt, and the said Bankrupt did on the Day of last finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery: Now this is to certify, That on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy and Insolvency in Dublin, at a public Sitting held for the Allowance of this Certificate to the said Bankrupt (whereof and of the Purport whereof the Notice required in that Behalf was duly given), and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, the Court did then and there find the said Bankrupt entitled to such Certificate, and did allow the same.

Given under the Seal of the Court, at the Court of Bankruptcy and Insolvency in Ireland, this Day of in the Year of our Lord One thousand eight hundred and

Signed and sealed in the Presence of

A.B. (L.S.)

Judge.

SCHEDULE (P.)

[In Insolvency.]

To the Court of Bankruptcy and Insolvency.

Petition of Insolvency.

The humble Petition of late of in the C of previous of formerly of

State the recent Residences, Trades, &c. very accurately; but it need not always be so for the Schedule.

Showeth,

That your Petitioner is now a Prisoner for Debt in the in the of and is there detained at the Suit of for the Sum of and that your Petitioner was first arrested in the said Suit at in the of on the Day of One thousand eight hundred and fifty and was committed to the said on the Day of One thousand eight hundred and fifty-

If the Prisoner was bailed or first committed to another Prison and removed by Habeas corpus or otherwise, the Fact must be here stated.

If more Detainers, make fresh Statement as to each according to Facts.

and that your Petitioner is willing that all h Real and Personal Estate and Effects shall be vested in the Official Assignees of the Court; your Petitioner therefore humbly prays your Honourable Court, that he may be discharged from Custody and have future Liberty of h Person against the Demands for which h is now in Custody, and against the Demands of all other Persons who are or claim to be Creditors of your Petitioner, according to the Provisions of the Statute in that Behalf.

And your Petitioner will ever pray, &c.

Subscribed by the said Prisoner on the Day of 185 in the Presence of

---

Form of Retainer and Acceptance to be endorsed on Petition of Insolvency.

Court of Bankruptcy and Insolvency.

I of do hereby retain Mr. of to act for me as my Attorney in the said Court, and I hereby declare that he is so employed by me at my Request.

Signed by me at on this Day of 185 .

Witness,

I of an Attorney duly admitted to practise on behalf of Prisoners in actual Custody, do hereby accept the above Retainer.

Signed by me, this Day of 185 .

Form of Prison Certificate.

Certificate of Governor of Gaol.

Plaintiff. } Committed to the Custody of the Governor of
Defendant. } Gaol, by the High Sheriff of the C under and by virtue of a on the Day of 185 .

Debt and Costs £

Attorney for the Plaintiff.

} Detainers.

I hereby certify, That the Defendant still remains in Custody at this Date, under and by virtue of the above . And I do hereby further certify, That there is no other Detainer against the said Defendant.

Signed by me, this Day of 185 .

Governor.

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

In the Matter of committed to the Gaol of in the C of on the Day of 185 , at the Suit of for the Sum of £

INSTRUCTIONS.—This Account is to begin at or before the Time when the earliest Debt in the Schedule was contracted by the Insolvent: if he has at any Time been bankrupt, or petitioned under an Insolvent Act, it must be stated whether any Debts due under such Bankruptcy or Insolvency are still unpaid. (See below.)

This my Account begins in or about* the Month of 18 , the earliest Debt in my Schedule (No.) was contracted by me in the Year 18 . [Fill up the Blanks.]

GENERAL BALANCE SHEET.

Dates.	*Dr.*	£	*s.*	*d.*	Dates.	*Cr.*	£	*s.*	*d.*
	Capital at the Time aforesaid*, consisting of - -					Good Debts, as in Schedule -			
	Aggregate Amount of Debts, as in Schedule					Bad - -			
	Deduct, 1, those for which I have received no Consideration - -					Doubtful - -			
	2, in respect of Debts more than once entered - -					Amount of Debts owing to me			
	Amount of Debts contracted since the Time aforesaid* for which I have received Consideration - - -					Rent for Years, at £ a Year - - -			
	Profits of Business in each Year: viz. - -					Taxes for Years, at £ -			
						Servants Wages for Years, at £ - - -			
						Other Household Expenses for Years, at £ - -			
						Special Expenses, Disbursements, and Losses: viz.			
						Property mentioned in Schedule, pp. 6 and 7 -			
						Money in possession when I was taken into Custody -			
						Excepted Articles - -			
						Difference between Values and Cost Price - -			
						DEFICIENCY - -			
	VALUE to be accounted for £					£			

*Here enter all Monies received by Annuities, Dividends, or otherwise, also all Property had by Purchase, Gift, Devise, Bequest, &c. since the Time aforesaid.

The Cause of my present Insolvency is

If never bankrupt [or insolvent,] write "never." } I was Bankrupt and Debts still unpaid are about £ I petitioned this Court and Debts still unpaid are about £

Signed in the Presence of Dated this Day of 185 .

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

I, the said do declare, That this my Schedule doth contain a full and fair Description of me, as to my Name or Names, Trade or Trades, Profession or Professions, together with my last usual Place of Abode, and the Place or Places where I have resided during the Time when my Debts where contracted, and also a full and true Description of all Debts due or growing due from me at the Time of filing my Petition, and of all and every Person and Persons to whom I am indebted, or who to my Knowledge or Belief claim to be my Creditors, together with the Nature and Amount of such Debts and Claims respectively, distinguishing such as are admitted from such as are disputed by me, and also a full, true, and perfect Account of all my Estate and Effects, Real and Personal, in possession, reversion, remainder, or expectancy, and also of all Places of Benefit or Advantage held by me, whether the Emoluments of the same arise from fixed Salaries or from Fees, or otherwise, and also of all Pensions or Allowances which I have in possession or reversion, or which are held by any other Person or Persons, for me or on my Behalf, or of and from which I derive or may derive any manner of Benefit or Advantage, and also of all Rights and Powers of any Nature and Kind whatsoever, which I am, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, are, in any Manner whatsoever, seised or possessed of, or interested in or entitled unto, or which I, or any other Person or Persons in trust for me or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage; together with a full, true, and perfect Account of all the Debts due or growing due at the Time of making the said Vesting Order to me or to any Person or Persons in trust for me, or for my Benefit or Advantage, either solely or jointly with any other Person or Persons, and the Names and Places of Abode of the several Persons from whom such Debts are due or growing due, and of the Witnesses who can prove such Debts, as far as I can set forth the same; and that this my Schedule doth also contain a Balance Sheet of so much of my Receipts and Expenditures, and of the Items composing the same, as is required by this Honourable Court in that Behalf; and doth fully and truly describe the Wearing Apparel, Bedding, and other such Necessaries of myself and my Family, and my working Tools and Implements, which are excepted by me from the Operation of the Statute, together with the Value of such excepted Articles respectively.

Excepted Articles and the Values thereof.

	£	s.	d.
£			

Witness my Hand the Day of One thousand eight hundred

Signed in the Presence of

BALANCE SHEET OF RECEIPTS AND EXPENDITURES.

The Court requires

That this Account shall in no Case begin later than Four Calendar Months before the Prisoner's last Commitment to Custody.

That if he was before that Time arrested in any Suit which is still continued, it shall begin not later than the Time of such Arrest.

That if before those Periods, but since the Commencement of his Embarrassments, any Property has gone away from him by Sale, Assignment, Mortgage, Distress, Execution, or any Means other than the ordinary Course of Trade, the Account shall commence so as to include all such Transactions.

That the Blank in the Description of the Debtor's Side of the Account shall be filled with a Date early enough for Compliance with the above Directions.

That the specific Appropriation of each Sum received shall be separately shown, where the Case admits of it.

That the Date of each Item in the Account shall be given by stating the Day as well as the Year when the same can be ascertained.

That Money and other Property, which was in the Possession of the Prisoner or his Family or any other Person for his or their Benefit at the Time when he was last taken into Custody, shall in all Cases be made a specific Item or Items in the Account.

Dr.

Specification of all Property, Real and Personal, in which I have had an Interest at any Time since the Day of 18 , to the Time of subscribing this my Schedule, showing when, how, to whom, and for what Consideration, any Portion of any such Property has been parted with.

Date.		£	*s.*	*d.*

Cr.

Account of all such Property, showing what Part thereof is now available for the Benefit of my Creditors, and as to such Part as has been parted with, the particular Application of the Proceeds of the same.

Date.		£	*s.*	*d.*

CREDITORS.

No.	Names and Descriptions of Creditors and Claimants, and their present or last Residences.	Amount.	W tracted.	Admitted or disputed.	Nature and Consideration of the Debt and Securities, if any: also if the Debt is disputed, the Reason thereof.
		£ *s.* *d.*			

DEBTORS.

No.	Names, Description, and Places of Abode of Debtors.	Amount.	When contracted.	Good, bad, or doubtful.	Nature and Consideration of the Debt; also Securities, if any, for the same.	Witnesses, with their Residences, and other Evidence, by which the Debt may be proved.
		£ *s.* *d.*				

N.B.—Where there are cross Demands, the Party must be entered both as Creditor and Debtor, and "Set-off" must be written under the Amount.

PROPERTY IN POSSESSION.

Real and Personal Estates and Effects which were in my Possession, Enjoyment, or Control, or which were held by any other Person or Persons in trust for my Use, or to the Possession or Enjoyment of which I was entitled at the Time of subscribing my Petition, and which are not excepted from the Operation of the Act.

		Supposed Value. £	s.	d.
Interest in Land.	Freehold and Leasehold Property with local Description, Names of Tenants and annual Rent of the same, and Statement of Incumbrances (if any) thereupon, with the Dates thereof.			
Personal Property.	Household Goods and Furniture - - -			
	Wearing Apparel - - - -			
	Jewels, Trinkets, and Ornaments of the Person -			
	Plate, Linen, and China - - - -			
	Wines and other Liquors - - -			
	Books, Prints, and Pictures - - -			
	Horses, Cows, and other Animals - - -			
	Carriages - - - - -			
	Farming Stock and Implements of Husbandry -			
	Stock in Trade in my Business of			
	Machinery and Utensils in my Business of			
	Ships and Shares of Ships, viz. - - -			
	Cash, Bills, Promissory Notes, Bonds, and other Personal Property not before specified - -			
Property in the Funds, Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in the Canal and other Companies, showing in whose Names the same are standing; also when and by whom the last Dividend or other Payment was received in respect of the same - -			
Unpaid Legacies.	Legacies due, but unpaid; with all Particulars concerning the same - - - - -			
Books. Deeds. Papers.	The following is a true List of all Books, Papers, Deeds, and Writings relating to my Estate and Effects, or any Part thereof, which at the Time of my First Arrest above mentioned were, or any Time since have been in my Possession or under my Custody or Control, or in the Possession or Custody of any Person in trust for me, or for my Use, Benefit, or Advantage.			

Where under any Division the Prisoner has no Property, the Word "None" to be entered.

PROPERTY IN REVERSION, &c.—PLACES, PENSIONS, RIGHTS, AND POWERS.

	Real and Personal Estate and Effects in which I have any Interest in reversion, remainder, or expectancy.	Supposed Value of my Interest if now to be sold. £	s.	d.
Interests in Land.	Freehold and Leasehold Property, with Names and Descriptions of Persons now enjoying the same, and the annual Value thereof; also, the Nature of my Interests therein, and from whom and in what Manner it is derived - - - - - -			
Personal Property.	Personal Property, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - - -			
Property in the Funds, Annuities, Shares, &c.	Annuities, Money in the Public or other Funds, Shares in Canal and other Companies, showing in whose Names the same are standing, with Names and Description of Persons now enjoying the same; also, the Nature of my Interest therein, and from whom and in what Manner it is derived - - - -			
Places and Pensions in possession or reversion.	Places of Benefit or Advantage held by me, with the Salaries Fees, and Emoluments thereof; also, all Pensions and Allowances in possession or reversion held by me or by any other Person or Persons for me or on my Behalf, or of and from which I derive or may derive any Benefit or Advantage.			
Rights and Powers.	Rights and Powers which I, or any other Person or Persons in trust for me, or for my Use, Benefit, or Advantage, am or are in any Manner seised or possessed of, or interested in or entitled unto, or which I or any other Person or Persons in trust for me, or for my Benefit, have any Power to dispose of, charge, or exercise for my Benefit or Advantage.			

N.B.—Contingent as well as vested Interests must be entered.

I, do hereby swear that the Contents of this my Schedule and of all and every Part thereof respectively, are true. So help me GOD.

Sworn in Court, at in the this Day of

INDORSEMENT.

Arrested	Day of	185
Committed	Day of	185
Petition filed	Day of	185
Schedule filed	Day of	185
To be heard	Day of	185

Debts, £
Credits, £
Books,
Papers,
Deeds,
&c.

SCHEDULE (Q.)

[In Insolvency.]

Creditor's Petition and Affidavit.

(1)

To the Court of Bankruptcy and Insolvency.

The Petition of

[*State the Trade or Profession of Petitioner; his present Residence (Street, Number, &c.)*]

Showeth,

That your Petitioner now at the Time of signing this Petition Creditor of

[*State more fully than in the Affidavit (so far as is known) the Debtor's last Places of Residence, and where he resided while the Debt was contracted; also his Trades or Professions.*]

now a Prisoner in And that the said Prisoner was committed to the said on the Day of 185 , as appears by the Gaoler's Copy of Causes hereunto annexed: And was

[*Charged in Execution or for Contempt, &c. &c., as the Case may be.*]

at the Suit of your Petitioner on the , for the Sum of

Your Petitioner therefore humbly prays that the Real and Personal Estate and Effects of the said Prisoner may be vested in the Official Assignees according to the Provisions of the Statute.

And your Petitioner is desirous that the said Prisoner may be ordered to file a Schedule of his Property according to the Provisions of the said Act, and may thereupon be brought up to be dealt with according to the Provisions of the said Act.

Subscribed by the said Petitioner on the Day of 185 in the Presence of of

[*Attorney's Address.*]

Attorney for the said Petitioner.

(2.)

[In Insolvency.]

In the Court of Bankruptcy and Insolvency.

In the Matter of

[*In this Place give safe Description as to Business and late Residence, for sake of Identity.*]

a Prisoner in

[*Petitioner's Name, &c. &c.*]

maketh Oath and saith, that the said hath been for Twenty-one Days last past in Custody

[*State whether in Execution or for Contempt, &c.*]

at the Suit of this Deponent, and is justly and truly indebted to this Deponent in the Sum of , besides Costs: And this Deponent further states that there is Sum due from this Deponent to the said Prisoner, or fairly claimable by the said Prisoner from this Deponent, by setting off which the said Sum for which the said Prisoner is so in Custody at the Suit of this Deponent would be reduced—viz.

And this Deponent further saith that there is Charge, Lien, or Security held

[*Write "no" or state the Debt or Claim, as the Fact may be.*]

by this Deponent, or any Person on his Behalf, against the Real or Personal Estate or Effects of the said Prisoner, independent of the Judgment

[*If it is a Decree or Order so state.*]

on which the said Prisoner is now in Custody at the Suit of this Deponent, viz:—

And this Deponent further saith that he has availed himself of his Judgment against the said Prisoner, otherwise than by Arrest of his Person, as follows:

[*If any Property whatsoever has been seized in Execution, or an Order of a Judge has been obtained, the same must be distinctly stated, with Particulars of the Result: If no such Things have taken place, write* "not," *and erase the Words* "as follows."]

And this Deponent further saith that the said Prisoner hath not in any Manner whatsoever made Satisfaction to this Deponent for the said Sum for which he so stands committed, nor for any Part thereof except

[*Either erase the Word* "except" *or add* "as aforesaid," *or other Matter according to Fact.*]

And that the said Sum of is still justly and truly due to this Deponent, whereupon this Deponent has instructed , his Attorney, to proceed to this Court pursuant to the Statute in that Behalf.

[Note.—*This Form is to be varied accordingly if the Affidavit be not made by the detaining Creditor.*]

SCHEDULE (R.)

[In Bankruptcy *or* in Insolvency.]

Search Warrant.

Day of A.D.

In the Matter of *A.B.*, of a Bankrupt [*or* Insolvent.] } Whereas, by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of the Court of Bankruptcy and Insolvency in Ireland, that there is Reason to suspect and believe that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be*] of one *C.D.* of in the County of ; these are therefore to authorize and require you, with necessary and proper Assistance, to enter, in the Daytime, into the said House [*or other Place, describing it, as the Case may be*], situate at aforesaid, and there diligently to search for the said Property; and if any Property of the said Bankrupt [*or* Insolvent] shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under the Seal of the Court, this Day of in the Year of our Lord One thousand eight hundred and .

A.B. (L.S.)

To my Judge.

Messenger, and his Assistants.

If there be Reason to suspect that the Bankrupt [*or Insolvent*] *and his Property are concealed, alter the Warrant accordingly.*

SCHEDULE (S.)

[In Bankruptcy *or* Insolvency.]

Order for Payment of a Debt].

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

In the Matter of a Bankrupt [*or* Insolvent]:

Whereas of in his Examination taken Day of and signed and subscribed by the said has admitted that he is indebted to the above-named Bankrupt [*or* Insolvent] in the Sum of upon the Balance of Accounts between the said and the said Bankrupt: It is hereby ordered, that the said do pay the Assignees of the Estate and Effects of the said Bankrupt [*or* Insolvent], in full Discharge of the Sum so admitted, the Sum of forthwith [*or if otherwise, state the Time and Manner of Payment,*] and that the said do also pay to the said Assignees the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

C.D., Registrar. *A.B.*, Judge.

If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs out of the Estate and Effects of the Bankrupt [*or Insolvent*], *alter the Form accordingly.*

SCHEDULE (T.)

[In Bankruptcy.]

Petition for Arrangement.

To the Court of Bankruptcy and Insolvency in Ireland.

The Petition of

Showeth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Irish Bankrupt and Insolvent Act, 1857."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors may be determined) may be carried into effect, under the Superintendence and Control of this Honourable Court.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

SCHEDULE (U.)

Certificate to Petitioning Trader.

Court of Bankruptcy and Insolvency, Dublin, Day of A.D.

Whereas of a Trader unable to meet his Engagements with his Creditors, did, on the Day of present his Petition to the Court, under the Provisions of "The Irish Bankrupt and Insolvent Act, 1857," praying that a certain Proposal, or such Modification thereof as by *Three Fifths* in Number and Value of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Court: And whereas the Court acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the Court thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, the Court doth certify the several Matters aforesaid this Day of 18 .

A.B. (L.S.)

Judge.

SCHEDULE (V.)

[In Bankruptcy *or* in Insolvency.]

Warrant of Committal of Bankrupt, Insolvent, or other Party for unsatisfactory answering, or for refusing to sign his Examination.

Court of Bankruptcy and Insolvency, Dublin.

WHEREAS *E.F.*, the said [*or G.H.* of in the County of] was on the Day of duly sworn and examined in this Court: And the said was again on the Day of duly sworn and examined in this Court, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition]:

These are therefore to authorize and require you, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (W.)

Warrant for refusing to be sworn or to answer.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of Bankrupt [*or* Insolvent].

WHEREAS *E.F.*, of *or G.H.*, of being present in this Court on this Day of was required to submit to be duly sworn and examined, pursuant to the Statute but the said then and there refused to be sworn [*or* refused to answer the Questions put to him by the Court]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon Receipt hereof to take into your Custody

the said and him safely to convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Judges of Bankruptcy and Insolvency to be sworn, and full Answers make to their Satisfaction to such Questions as shall be propounded to him.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or to his Deputy there.

SCHEDULE (X.)

Warrant of Committal for disturbing or interrupting the Court.

Court of Bankruptcy and Insolvency, Dublin.

In the Matter of } WHEREAS at a Sitting in this Matter duly holden in the said
Bankrupt } Court on the Day of 18 ,
[*or* Insolvent.] } *E.F., &c.* [*or G. H. &c.*] was guilty of Riot [*or* of Disturbance, *or* did interrupt the said Court in the Exercise of its Duty]:

These are therefore to authorize and require you to whom this Warrant is directed, immediately upon the Receipt thereof to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody, and him safely keep and detain until further Order.

Given under the Seal of the Court of Bankruptcy and Insolvency, this Day of 18

J.K.,
Judge.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

SCHEDULE (Y.)

[In Bankruptcy *or* in Insolvency.]

Warrant against Persons disobeying any Rule or Order of Court.

WHEREAS by an Order of this Court, bearing Date the Day of it was ordered, that [*&c. &c., as in the Order :*]

And whereas it is now proved, that after the making of the said Order, that is to say, on this Day of a Copy of the said Order was duly served on the said personally; but the said hath not as yet obeyed the said Order:

These are therefore to will, require, and authorize you, immediately upon Receipt hereof, to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called], and him there to deliver to the Keeper of the said Prison, together with this Precept; and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprise, until this Court or the Lord Chancellor shall make an Order to the contrary, and for so doing this shall be your sufficient Warrant.

Given under the Seal of the Court of Bankruptcy and Insolvency this Day of in the Year of our Lord One thousand eight hundred and

A.B. (L.S.)
Judge.

To my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called], or his Deputy there.

SCHEDULE (Z.)

Document.	*Stamp Duty in lieu of Fees.*		
	£	s.	d.
Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors - -	1	0	0
Every Summons of Trader Debtor - - - -	0	5	0
Every Copy of such Summons - - - -	0	1	0
Every Summons for a Witness - - - -	0	2	6
Every Copy of such Summons - - - -	0	0	6
Every Requisition for a Sitting of the Court in Bankruptcy for any of the following Purposes, that is to say, Adjudication, Choice of Assignees, Proof of Debts, Final Examination, Audit, Dividend, Examination of Witnesses, to proceed on Summons against Trader Debtor, and every Requisition for a Sitting of the Court or Meeting, pursuant to the Statute, under a Petition for Arrangement, or to proceed on any Special Case, or for the Sale or Disposition of any mortgaged Property - - - - - -	1	0	0
Every Order of the Court for the Payment to the Assignees of any Debt or Demand over £10, or the Delivery to the Assignees of any Goods or Chattels of the Value of £10 or upwards - - - - - -	0	4	0
Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements, where such Bill of Costs shall not exceed £5. - - - - -	0	1	6
Exceeding £5 and not exceeding £10 - -	0	2	6
„ 10 „ 20 - - -	0	5	0
„ 20 „ 30 - - -	0	7	6
„ 30 „ 50 - - -	0	10	0
„ 50 „ 100 - - -	0	15	0
„ 100 - - - - -	1	0	0

Bankruptcy and Insolvency (Ireland).

A

B I L L

To consolidate and amend the Laws relating to Bankruptcy and Insolvency in Ireland.

(*Prepared and brought in by*
Mr. Attorney General for Ireland, and
Sir George Grey.)

Ordered, by The House of Commons, *to be Printed.*
11 *May* 1857.

[Bill 6.]

Under 17 *oz.*

A

BILL

TO

Remove Doubts as to the Law of Bankruptcy and Real Securities in Scotland.

WHEREAS Doubts have arisen regarding the Construction of certain Clauses contained in an Act passed in the Nineteenth and Twentieth Years of the Reign of Her present Majesty, intituled "An Act to consolidate and amend the "Laws relating to Bankruptcy in Scotland," and in another Act of the same Year of Her Majesty, intituled "An Act to amend and "re-enact certain Provisions of an Act of the Fifty-fourth Year of "King George the Third, relating to Judicial Procedure and "Securities for Debt in Scotland," and it is expedient that such Doubts should be removed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited as "The Bankruptcy and Real Securities "(Scotland) Act, 1857." Title of Act.

II. Sequestration in the Case of a deceased Debtor may be awarded by the Court of Session or by the Sheriff of the County in which the Debtor for the Year preceding his Death had resided or carried on Business. Sheriffs may award Sequestration of deceased Debtor.

III. In

Notice of Remit by the Sheriffs to be given in the Gazette.

III. In the event of Sequestration having been awarded by the Sheriffs of Two or more Counties, and of the later Sequestration or Sequestrations being remitted by the Sheriff or Sheriffs awarding them to the Sequestration first in Date, a Notice of such Remit shall be inserted in the Gazette *Four* Days after a Copy of the Deliverance of such Remit could be received in course of Post in Edinburgh.

Expense of Competition for Office of Trustee.

IV. No Part of the Expense of any Competition for the Office of Trustee shall be paid out of the Estate, but all such Expense shall be paid by the unsuccessful Party to the successful Party.

Oath, &c. to be produced to entitle Creditor to a Second Dividend.

V. Any Creditor, in order to be entitled to participate in a Second or any subsequent Dividend, shall produce his Oath and Grounds of Debt as directed by the first-recited Act, in reference to the First Dividend, at least *Two* Months before the Period fixed for Payment of such Second or subsequent Dividend.

Procedure requisite in reference to subsequent Dividends.

VI. The Procedure by the first-recited Act prescribed in reference to a Second Dividend shall be applicable in reference to subsequent Dividends, so that a Dividend may be made on the First lawful Day after the Expiration of every *Three* Months from the Day of the Payment of the immediately preceding Dividend, until the whole Funds of the Bankrupt shall be divided.

Abbreviate of Discharge to be issued and recorded.

VII. An Abbreviate of the Deliverance of Discharge of the Bankrupt, whether following on a Composition or not, shall be issued by the Clerk of the Bills or the Sheriff Clerk in the Form of the Schedule (A.) hereunto annexed, and the Abbreviate shall be recorded in the Register of Inhibitions, and the Register of Abbreviates of Adjudications at Edinburgh, and the Keepers of such Registers shall, if required, grant Certificates of such Registration in the Form annexed to the said Abbreviate.

The several Sections of the last recited Act to apply to Acts 10 & 11 Vict. c. 50. and 17 & 18 Vict. c. 62.

VIII. Nothing contained in the Seventh Section of the last-recited Act shall be held to exclude the Application of the Provisions of an Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled "An Act to facilitate the Constitution and Transmission of Heritable Securities for Debt in Scotland, and to render the same more effectual for the Recovery of Debts," or of an Act passed in the Seventeenth and Eighteenth Years of the Reign of Her present Majesty, intituled "An Act to extend the Benefits of Two Acts of Her Majesty relating to the Constitution, Transmission, and Extinction of Heritable Securities in Scotland," to the Heritable Securities authorized to be granted by the said Seventh Section, but the said Provisions shall be held to apply thereto.

IX. The

IX. The recited Acts, excepting in so far as altered by this Act, shall be and remain in full Force and Effect, and shall be construed with this Act. Recited Acts to remain in force.

SCHEDULE (A.)

1. *Form of Abbreviate of the Deliverance of Discharge of Bankrupt.*

Abbreviate of Deliverance discharging
[*Insert Name*]

A.B. [*insert the Bankrupt's Name and Designation*] has been discharged of all Debts and Obligations contracted by him, or for which he was liable at the Date of the Sequestration of his Estates; [*if upon Composition, add as follows:* "the said Sequestration declared at an end, and the said (*Name*) reinvested in his Estates on Composition of (*insert the Amount*)"], conform to Deliverance by [*Lord Ordinary or Sheriff*]. Dated the Day of One thousand eight hundred and and in Terms of "The Bankruptcy (Scotland) Act, 1856," and "The Bankruptcy "and Real Securities (Scotland) Act, 1857."

C.D. (Bill Chamber Clerk
or
Sheriff Clerk of).

[*Place and Date.*]

---

2. *Form of Certificates of Registration of Abbreviate to be annexed to the Abbreviate.*

This Abbreviate was presented by
and recorded on the
Day of in the Register of Abbreviates of Adjudication at Edinburgh.

E.F. Keeper.

This Abbreviate was presented by
and recorded on the
Day of in the Register of Inhibitions at Edinburgh.

G.H. Keeper.

Bankruptcy and Real Securities (Scotland).

A

B I L L

To remove Doubts as to the Law of Bankruptcy and Real Securities in Scotland.

(Prepared and brought in by The Lord Advocate and Sir George Grey.)

Ordered, by the House of Commons, *to be Printed* 22 *June* 1857.

[Bill 75.]

Under 1 *oz.*

(Scotland.)

A

BILL

TO

Regulate Procedure in the Bill Chamber in Scotland.

WHEREAS under an Act of the First and Second Years of the Reign of Her Majesty, intituled "An Act to make "certain Alterations in the Duties of the Lords Ordinary, "and in the Establishment of Clerks and Officers of the Court of "Session and Court of Commissioners for Teinds in Scotland, and "to reduce the Fees payable in those Courts," Two Clerks of the Bills were appointed, who have had the Charge of the Bill Chamber Department, and the Office of One of the said Clerks has since become vacant by Death: And whereas it has been found in Practice that the Business of the Bill Chamber cannot be conveniently conducted in Two Departments under Two separate Clerks, and it is expedient that in future the Duties of the Office should be executed by One Clerk: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 1 & 2 Vict. c. 118.

I. The Office of One of the Clerks of the Bills in the Bill Chamber of the Court of Session in Scotland, now vacant, shall be abolished; and there shall in future be only One Clerk of the Bills, who shall be responsible for the reputed Solvency of Cautioners, and Office of One of the Two Clerks of the Bills abolished, and whole Duties

in future to be performed by One Clerk of the Bills.

and for consigned Money, and shall discharge in Person all the Duties attached to the Office, and the remaining Clerk of the Bills shall be the Clerk of the Bills under this Act.

Assistant Clerk and Ordinary Clerks to be appointed.

II. It shall be lawful for Her Majesty, Her Heirs and Successors, to appoint an Assistant Clerk of the Bills, and *Two* Ordinary Clerks, to aid in the Performance of the Duties of the Office; and such Assistant Clerk shall act under the Orders of the Clerk of the Bills in the Performance of the Duties of the Office, and shall in the necessary Absence of the Clerk of the Bills subscribe and authenticate all such Writs and Documents as the Clerk of the Bills may, by any Law or Practice, subscribe or authenticate.

Clerks to be paid wholly by Salaries.

III. The Clerk of the Bills, and the Assistant and Ordinary Clerks, shall be paid wholly by Salary; and the Salary of the Clerk of the Bills shall be per Annum, which shall include his Remuneration for the Discharge of the Duties imposed on him under the Bankrupt Acts, and also all Fees of Extracts and Bonds of Caution required by the Bill Chamber Procedure, or under such Acts, and shall be in lieu of all existing Salary, Allowances, Fees, and Emoluments whatsoever; and the Salary of the Assistant Clerk shall be per Annum; and the Salaries of the ordinary Clerks shall not exceed in all per Annum, divisible in such Proportions as may be deemed proper by the Commissioners of Her Majesty's Treasury.

Salaries to be voted by Parliament, and Fees to be paid over to the Treasury.

IV. The Salaries paid to the Clerk of the Bills, and the Assistant Clerk and ordinary Clerks in the Bill Chamber, and also the Expense of a suitable Office for conducting the Business of the Bill Chamber, and the necessary Expense of Printing and Stationery, and other Expenses of the Office, shall be defrayed out of the Monies to be voted by Parliament for that Purpose; and all Fees of every Description heretofore in use to be charged or collected in the Office of the Bill Chamber shall continue to be so charged and collected after this Act shall come into operation, by the Clerk of the Bills, and be by him duly accounted for and paid over to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they shall appoint.

Clerk of the Bills to keep separate Accounts of consigned Monies.

V. All Monies which shall in future be deposited or consigned in the Bill Chamber shall be forthwith deposited by the Clerk of the Bills in One of the Banks in Edinburgh established or incorporated by Act of Parliament or Royal Charter, in an Account to be kept by him in his official Capacity; and a proper written Receipt or Acknowledgment shall always be granted by the said Clerk to any

any Party depositing or consigning any Money in his Hands, at the Time of such Deposit or Consignation; and a full and particular State and Account shall be kept in the Office of the Bill Chamber of all such Deposits and Consignations; and the Clerk of the Bills shall cause the Monies in such Bank Account to be annually accumulated by adding the accruing Interest to the Principal Sums.

Monies consigned with former Clerks of the Bills to be paid over to the Treasury.

VI. The Holders of Money at present consigned in Bank, or in the Hands of whatsoever Person or Persons, derived from Deposits or Consignations made in the Hands of any former Clerk or Clerks of the Bills, in his or their official Capacity, shall and they are hereby required to pay over the same, with all Interest accrued and to accrue thereon, to the Commissioners of Her Majesty's Treasury, or to such Person or Persons as they shall appoint, who are hereby empowered and directed to require an Account thereof, and to call for and receive the same, and discharge the Holders thereof: Provided always, that every Person having any legal Claim to or Interest in the Monies so to be paid over shall have such and the like Claim and Interest therein, and such and the like Right to demand and to recover the same from the said Commissioners of Her Majesty's Treasury, after Payment thereof to the said Commissioners in Terms of this Act, as from the Person or Persons having Possession of such Monies at the Date of the passing of this Act.

Court of Session may make Acts of Sederunt.

VII. It shall be lawful for the Court of Session, and the said Court is hereby required, within *Six* Calendar Months after the passing of this Act, to make such Provision, by Act of Sederunt, as the said Court may deem necessary or expedient, for the Performance of the Business of the Office of the Clerk of the Bills in the said Court, and also to make, from Time to Time, by Act of Sederunt, such Alterations and further Provision for the same as the Court may deem fit: Provided always, that every such Act of Sederunt shall, within *One Month* after the Date thereof, be transmitted by the Lord President of the Court of Session to One of Her Majesty's Principal Secretaries of State, to the end that the same may be laid before both Houses of Parliament.

Acts, &c. repealed.

VIII. The recited Acts, and all Laws, Statutes, and Usages, shall be and the same are hereby repealed, in so far as necessary to give Effect to this Act, but no further.

Act to take effect.

IX. This Act shall commence and take effect from and after the Expiration of *Two* Months from the passing hereof.

Bill Chamber (Scotland).

A

BILL

To regulate Procedure in the Bill Chamber in Scotland.

(*Prepared and brought in by The Lord Advocate and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed*, 22 *June* 1857.

[Bill 76.]

Under 1 *oz.*

(Scotland.)

A

BILL

TO

Provide for the Extension of the Boundaries of Burghs in Scotland.

WHEREAS it is expedient to provide Means whereby Property situated without the Boundaries of Burghs in Scotland may, in Terms of the Votes of the Persons interested therein, be included within the same: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Any Ratepayers, to the Number of *Twelve* or more, in respect of Lands and Heritages situated beyond and not more than *One Half* Mile distant from the existing Boundaries of any Royal or Parliamentary Burgh in Scotland, may present a Petition to the Sheriff of the County, praying him to take the Steps provided by this Act for extending the Boundaries of the Burgh; and the Sheriff shall, within *Three* Weeks from the Date of the Presentation thereof, define and specify, in a written Deliverance on the Petition, such Boundaries as in his Opinion would be suitable to the extended Boundaries of the Burgh, and the same shall be thereafter published by Advertisement in such Manner as the Sheriff shall direct. Ratepayers may present a Petition to the Sheriff for Extension of Boundary.

II. The Sheriff shall in the same Advertisement in which such Boundaries are published call a Public Meeting, at such Time and Sheriff to call Meeting of Ratepayers

for the Consideration of the proposed Extension of Boundaries.

Place as he shall appoint, of the Ratepayers in respect of Lands and Heritages situated beyond the existing Boundaries of the Burgh, and within the proposed extended Boundaries thereof, to consider the Proposal to extend the said Boundaries; and the Sheriff shall preside at the Meeting, and the Sheriff Clerk shall act as Clerk; and each Person attending such Meeting shall deliver in Writing to the Clerk his Name, Designation, and Address, before voting at or taking part in such Meeting; and in case a Majority of the Persons present thereat shall resolve to proceed in extending the said Boundaries, they shall at such Meeting name a Committee of the Ratepayers, not being fewer than *Three* nor more than *Nine* in Number, to confer with the Council of the Burgh as to the proposed Extension of the Boundaries thereof.

In case Town Council consent to proposed Extension, the same shall be re-considered by Meeting of Ratepayers.

III. In case the Town Council or a Majority thereof shall, after such Conference, resolve that it is expedient to carry into effect the proposed Arrangements, they shall publish such Resolution, with any annexed Conditions, in One or more local Newspapers, not later than the last Day of September in any one Year; and such Resolution shall be re-considered at any Meeting of the Council to be held not sooner than the Second Week in the Month of November next following, and if the same shall be confirmed by the Council, the Sheriff shall call a Second Meeting of the Ratepayers, of which such Intimation shall be given by public Advertisement as he shall direct, and at which Meeting the Sheriff shall preside; and no other Question shall be put to the Meeting but "approve" or "disapprove" of the proposed Extension, on the Terms resolved on by the Town Council; and in case the Majority of Votes shall be in favour of the proposed Extension, the Boundaries and Conditions so agreed upon shall be set out at Length in the Minute of the Meeting, and authenticated by the Subscription of the Sheriff; and the Boundaries therein expressed shall thereafter, under the Conditions therein expressed, be the Boundaries of the Burgh for all Municipal Purposes.

In the event of Proposal being rejected by Ratepayers no Extension to be proposed until Expiration of Three Years.

IV. In the event of a Majority of the said Second Meeting not assenting to such proposed Extension, it shall not be competent for the Sheriff to call another Meeting for the Purpose of considering any proposed Extension of the Boundaries of the Burgh until after the Expiration of *Three* Years from and after the Date of the said first-mentioned Meeting.

Sheriff to appoint a Scrutiny.

V. Any *Three* Ratepayers entitled to be present and to vote at any Meeting called under this Act may present to the Sheriff, within *Ten* Days after the Date of such Second Meeting, a Petition praying for a Scrutiny; and he shall thereupon, at the Expense of the Petitioners, direct a Scrutiny of the whole Votes to be taken in such Manner as he shall think fit, in order to ascertain whether the Majority of those entitled

entitled to vote and who have voted at the Meeting have approved or disapproved of the proposed Arrangement; and in the event of the Result of such Scrutiny being to prove to the Satisfaction of the Sheriff that the Majority of the Votes of those entitled to be present and vote was in Truth adverse to the Decision of the Meeting as authenticated by his Signature, the Sheriff shall reverse such Decision, and such Reversal being authenticated by the Subscription of the Sheriff shall have all the Effects which a Decision to that Effect would have had if declared at such Meeting: Provided always, that no such Reversal shall be competent after the Expiration of more than *One Month* from the Date of such Meeting.

Penalties for any false Representation.

VI. Any Person who shall falsely represent himself to be entitled to be present and to vote at any Meeting to be called under this Act, knowing himself not to be so entitled, and shall unlawfully attend and vote at such Meeting, shall be liable in a Penalty not exceeding *Twenty Pounds*, which may be summarily recovered before the Sheriff by any Person suing therefor, and which shall be disposed of as the Sheriff shall direct.

Expenses of Meeting, how to be provided.

VII. The whole Expenses incurred in relation to the calling and holding of any Meeting under this Act shall be borne and paid by the Persons signing the Petition to the Sheriff, and the Sheriff Clerk, before any such Meeting is called, may require the Petitioners to consign or find Security to his Satisfaction for such Sum as the Sheriff may think reasonable for that Purpose: Provided always, that in case the Boundaries of the Burgh shall be extended, the whole Expenses shall be ultimately defrayed from the Common Good or other Funds of the Burgh, or by means of an Assessment on the whole Ratepayers within the extended Boundaries, which the Council of the Burgh is hereby empowered and if necessary directed, to impose and levy, along with and in like Manner as the Prison Rate within such Burgh; and in either Case such Expenses may be recovered, together with the Costs of Suit, by the Disburser thereof, by summary Process before the Sheriff, whose Decision shall be final.

Interpretation.

VIII. The Word "Ratepayer" shall mean and include every Person whose Name shall for the Time being appear as Proprietor or Tenant and Occupant of Lands and Heritages to the Value of *Four Pounds* or upwards on the Valuation Books of any County or Burgh, made up in Terms of an Act passed in the Seventeenth and Eighteenth Years of Her Majesty Queen Victoria, intituled "An Act for the "Valuation of Lands and Heritages in Scotland;" and the Word "Sheriff" shall include Sheriff Substitute.

Boundaries of Burghs Extension (Scotland).

A

BILL

To provide for the Extension of the Boundaries of Burghs in Scotland.

(Prepared and brought in by The Lord Advocate and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 20 *July* 1857.

[Bill 141.]

Under 1 *oz.*

3 *July* 1857. 20 & 21 Vict.

(Ireland.)

A

B I L L

TO

Make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes.

WHEREAS an Act was passed in the Sixth Year of the Reign of King George the Fourth, Chapter Ninety-nine, to make Provision for defining the Boundaries of certain Denominations of Land in Ireland; and another Act was passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Seventeen, to provide for the Revision of such Boundaries: And whereas it is expedient to make further Provision for defining such Boundaries for the Purpose of the Revision of the Ordnance Survey, and for other public Purposes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 6 G. 4. c. 99. 17 Vict. c. 17.

I. When the Boundary Surveyor for the Time being shall find that the Boundaries of any Land have been erroneously marked out and laid down on the Ordnance Plan of any County, he may make such Alteration therein as he shall think fit; provided that the Application be made to him for such Alteration by the Owners or reputed Owners of The Boundary Surveyor may alter the Boundary of Lands erroneously marked out.

with the Consent of Owners.

of such Land, accompanied by a Plan showing in detail the original Boundaries so erroneously marked out, and those which it is proposed and agreed upon by the said Owners to substitute for them.

Boundary Surveyor may define and mark out Boundaries of Land reclaimed from the Sea, &c.

II. Such Boundary Surveyor may define and mark out the Boundaries of any Land that has been reclaimed from the Sea, or a tidal River or Lake, and either add such Land to the Townland or Townlands adjoining thereto, or make of such Land a new Townland or Townlands, and such new Townland or Townlands shall be included in and form an integral Portion of the County, Barony, and Parish within which such Townland or Townlands are locally situate, or on which they abut or with which they have the greatest Length of common Boundary, as to such Boundary Surveyor shall seem fit.

Boundary Surveyor may define Boundaries of Baronies divided under 6 & 7 W. 4. c. 116. s. 175.

III. Such Boundary Surveyor may define and mark out the Boundaries of any Barony or Half Barony which shall have been divided into Two or more Subdivisions by the Grand Jury of any County under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter One hundred and sixteen.

Boundary Surveyor may define Boundaries of Parishes divided under 3 & 4 W. 4. c. 37. s. 106.

IV. Such Boundary Surveyor may define and mark out the Boundaries of any Parish which shall have been divided into Two or more Subdivisions under the Provisions of an Act passed in the Third and Fourth Years of the Reign of King William the Fourth, Chapter Thirty-seven.

17 Vict. c. 17. and this Act to be as One Act.

V. The said recited Act of the Seventeenth Year of Her present Majesty's Reign, Chapter Seventeen, and this Act shall be construed together as One Act.

Boundaries of Land (Ireland).

A

BILL

To make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes.

(*Prepared and brought in by Mr. Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 3 *July* 1857.

[Bill 104.]

Under 1 *oz.*

(Ireland.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes.

WHEREAS an Act was passed in the Sixth Year of the Reign of King George the Fourth, Chapter Ninety-nine, to make Provision for defining the Boundaries of certain Denominations of Land in Ireland; and another Act was passed in the Seventeenth Year of the Reign of Her present Majesty, Chapter Seventeen, to provide for the Revision of such Boundaries: And whereas it is expedient to make further Provision for defining such Boundaries for the Purpose of the Revision of the Ordnance Survey, and for other public Purposes: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 6 G. 4. c. 99. 17 Vict. c. 17.

I. When the Boundary Surveyor for the Time being shall find that the Boundaries of any Land have been erroneously marked out, laid down, or described on the Ordnance Map of any County, he may make such Alteration therein as the Circumstances of the Case shall require; provided that the Application be made to him for such Alteration The Boundary Surveyor may alter the Boundary of Lands erroneously marked out,

with the Consent of Owners.

Alteration by the Owner or Owners or reputed Owners of such Land on each Side of the Boundary in question, accompanied by a Plan showing in detail the original Boundaries so erroneously marked out, and those which it is proposed and agreed upon by the said Owners to substitute for them.

Boundary Surveyor may define and mark out Boundaries of Land reclaimed from the Sea, &c.

II. Such Boundary Surveyor may define and mark out the Boundaries of any Land that has been reclaimed from the Sea, or a tidal River or Lake, and make of such Land a new Townland or Townlands, and such new Townland or Townlands shall be included in and form an integral Portion of the County, Barony, and Parish within which such Townland or Townlands are locally situate, or on which they abut or with which they have the greatest Length of common Boundary, as to such Boundary Surveyor shall seem fit: Provided always, that nothing herein contained shall in any Manner affect the Title of the Queen's Majesty, Her Heirs and Successors, or of other the Owner or Owners thereof, to any Land which has been or may hereafter be so reclaimed as aforesaid.

Boundary Surveyor may define Boundaries of Baronies divided under 6 & 7 W. 4. c. 116. s. 175.

III. Such Boundary Surveyor may define and mark out the Boundaries of any Barony or Half Barony which shall have been divided by the Grand Jury of any County under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of King William the Fourth, Chapter One hundred and sixteen.

Boundary Surveyor may define Boundaries of Parishes divided under 3 & 4 W. 4. c. 37. s. 106.

IV. Such Boundary Surveyor may define and mark out the Boundaries of any Parish which shall have been divided under the Provisions of an Act passed in the Third and Fourth Years of the Reign of King William the Fourth, Chapter Thirty-seven, and of any adjoining Parish to which any Lands separated from such first-mentioned Parish shall have been united.

17 Vict. c. 17. and this Act to be as One Act.

V. The said recited Act of the Seventeenth Year of Her present Majesty's Reign, Chapter Seventeen, and this Act shall be construed together as One Act; and all such Alterations of Boundaries hereby authorized to be made shall be subject to the Provisions of the said recited Act of the Seventeenth Year of Her Majesty's Reign with respect to Appeals to Quarter Sessions and the final Decision of the Lord Lieutenant.

Boundaries of Land (Ireland).

A

B I L L

[AS AMENDED IN COMMITTEE]

To make further Provision for defining the Boundaries of certain Denominations of Land in Ireland for public Purposes.

(*Prepared and brought in by Mr. Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1857.

[Bill 129.]

Under 1 *oz.*

A

BILL

TO

Amend the Burial Acts.

WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the Dead in England beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-seven), "to make further Provision for the Burial of the Dead in England beyond the Limits of the Metropolis;" and Acts were passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty (Chapters Seventy-eight and One hundred and twenty-eight), "to amend the Laws concerning the Burial of the Dead in England:" And whereas it is expedient to amend the said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 15 & 16 Vict. c. 85. 16 & 17 Vict. c. 134. 17 & 18 Vict. c. 87. 18 & 19 Vict. cc. 78. 128.

I. All Acts authorized to be done by any Burial Board, with the Approval, Sanction, or Authority of the Vestry or Vestries of the Parish Approval of Vestries of Majority of Parishes

sufficient where a Burial Board acts for more than Two Parishes.

Parish or Parishes for which such Board is constituted, may, where a Joint Burial Board is constituted for more than Two Parishes, be done with the Approval, Sanction, or Authority (as the Case may require) of the Vestries of the Majority of such Parishes.

Joint Burial Boards may be dissolved.

II. Any Joint Burial Board for Two or more Parishes may, at any Time before a Burial Ground has been provided by such Board, and with the Sanction of the Vestries of such Parishes, and with the Approval of One of Her Majesty's Principal Secretaries of State, agree to determine and dissolve any Union of such Parishes formed under the said Acts or any of them, and thereupon such Union shall be dissolved accordingly, and, save that any Expenses already properly incurred by such Joint Burial Board shall be defrayed as provided by the said Acts, all the Provisions of the said Acts shall be applicable with regard to such Parishes and the respective Burial Boards thereof as if such Union had not been formed.

Guardians may provide Burial Grounds for Paupers.

III. It shall be lawful for the Guardians of any Union or Parish, with the Approbation of the Poor Law Board and One of Her Majesty's Principal Secretaries of State, to provide a Burial Ground for the Purpose of the Interment of Paupers dying in their Union or Parish, and all Chapels, Buildings, or other Matters necessary for the same, and for this Purpose such Guardians shall have the like Powers as they have for providing a Workhouse; and all Provisions applicable with regard to providing a Workhouse, and defraying the Expenses of the same, shall be applicable to such Burial Ground and all Chapels, Buildings, and Matters as aforesaid; and the whole, or such Portion thereof as may be set apart for Burials according to the Rites of the United Church of England and Ireland, may be consecrated by the Bishop of the Diocese: The Expressions "Guardians," "Union," and "Parish" shall have the same Construction in this Enactment as when used in the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six.

Committees of Visitors of Lunatic Asylums may provide Burial Grounds for the same.

IV. It shall be lawful for the Committee of Visitors of any Lunatic Asylum, with the Consent of One of Her Majesty's Principal Secretaries of State, to provide a Burial Ground for the Burial of Patients dying in such Asylum, and of the Officers and Servants belonging to such Asylum, and dying therein, and to provide all Chapels, Buildings, and other Matters necessary for the same, and for this Purpose such Committee shall have the like Powers as a Committee of Visitors having Authority to provide an Asylum; and all Provisions applicable with regard to providing an Asylum by any Committee having Authority as aforesaid, and with regard to defraying the Expenses of providing

providing the same, shall be applicable to such Burial Ground, and all such Chapels, Buildings, and Matters as aforesaid; and such Burial Ground, or such Part thereof as may be set apart for Burials according to the Rites of the United Church of England and Ireland, may be consecrated by the Bishop of the Diocese.

Burial Boards may provide more than One Burial Ground.

V. Any Burial Board may, if they see fit, provide more than One Burial Ground or separate and distinct Burial Grounds for Burials according to the Rites of the United Church of England and Ireland and for other Burials respectively, and the Provisions of the Acts herein-before recited and this Act shall apply to every Burial Ground so provided.

15 & 16 Vict. c. 85. s. 20. repealed in part.

VI. So much of Section Twenty of the firstly herein-before recited Act as requires "that there shall be paid in every Year, in addition to "the Interest of the Money borrowed and unpaid, not less than One "Twentieth of the Principal Sum borrowed, until the whole is dis-"charged," shall be repealed, and the Provisions of the other Acts herein-before recited to which the said Section has been extended shall be construed accordingly.

Sinking Fund to be formed for paying off Mortgages.

VII. For the Purpose of providing a Fund for paying off Mortgages granted under any of the said Acts, the Burial Board or Council of the Borough (as the Case may be) shall once in every Year set aside, out of the Monies charged thereby, such Sum as they think proper, being not less than *Two* Pounds per Centum on the Amount of the Principal Monies secured; and the Sum so from Time to Time set aside, and all other Monies applied by the Board or Council in augmentation of the said Fund, shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the Principal Money secured by such Mortgages, or the same shall be invested in the Public Funds, or on Government or Real Security, in the Name of the Board, or, in the Case of the Council of a Borough, in the Names of such Persons as they may from Time to Time direct; and the Dividends and Interest of the Monies so invested, when and as the same become due, shall from Time to Time be received and invested in like Manner, in order that the said Monies so set aside and invested may accumulate at Compound Interest; and when such accumulated Fund amounts to a Sum which in the Opinion of the Board or Council can be conveniently applied for that Purpose, the Stocks, Funds, or Securities whereon the same is invested shall be sold or otherwise converted into Money, and the Monies arising from any such Sale and Conversion shall be applied, in the Manner herein-after directed, in Payment, so far as the same will extend, of the said

Principal Monies, and so from Time to Time until the whole of the said Principal Monies are discharged.

Mode of paying off Mortgages.

VIII. When and as often as the Board or Council are enabled and think it expedient to pay off One or more of the said Mortgages, they shall cause the several Numbers of such Mortgages to be written upon distinct Slips of Paper, of an equal Size, and all such Slips shall be rolled or folded up in a similar Form, and put in a Box, and the Clerk of the said Board, or in the Case of a Borough the Town Clerk, shall, at a Meeting of the Board or Council, draw separately out of the said Box One of the said Slips, and thereupon the Mortgage corresponding with the Number so drawn shall be paid off by the Board or Council; and after every such Ballot the Board or Council shall cause a Notice signed by the Clerk to be given to the Person entitled to the Money to be paid off, and such Notice shall express the Principal Sum proposed to be paid off, and that the same will be paid, together with the Interest due thereon, at a Place to be specified in such Notice, at the Expiration of *Six* Months from the Date of giving such Notice; and at the Expiration of such Period the Interest of the Principal Money to be paid off shall cease, unless such Principal Money and Interest be not paid, on Demand, pursuant to such Notice; but such Principal Money, and the Interest thereof to the End of the said *Six* Months, shall nevertheless be payable, on Demand.

Burial Boards may borrow on terminable Annuities.

IX. Any Burial Board or Council of a Borough may, for the Purpose of raising Money, instead of making Mortgages under any of the said Acts, grant terminable Annuities for not exceeding *Thirty* Years, to be paid out of the like Monies as provided with regard to the Monies secured by such Mortgages.

Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.

X. Where a Burial Ground has been provided for any Parish under any of the Acts commonly referred to or known as the Church Building Acts, and the same has been consecrated, and any Money expended in providing such Burial Ground has been borrowed on the Security of the Church Rates, it shall be lawful for the Incumbent of the Parish, with the Consent of the Ordinary and the Burial Board of such Parish, or of any Borough or District in which such Parish is wholly or in part comprised, by Instrument in Writing under the Hands and Seals of such Incumbent and Ordinary, and under the Seal of the said Burial Board, to declare that, in consideration of the Payment of the Debt by the said Burial Board, the said Burial Ground shall be vested in and be under the Care and Management of such Burial Board, and thereupon the same shall be vested in and

be

be under the Care and Management of such Board, and shall be subject to the Provisions of the herein-before recited Acts and this Act applicable to a consecrated Burial Ground or the consecrated Part of any Burial Ground provided by any Burial Board, and any Money borrowed as aforesaid, and remaining owing, and the Interest due and to become due thereon, shall be charged on and paid out of such Rates or Fund as under the said last-mentioned Acts and this Act would be chargeable with the Expense of providing a Burial Ground by such Board, and such Declaration as aforesaid shall be registered in the Registry of the Diocese.

Burial Boards may in certain Cases purchase Cemeteries which have been closed.

XI. Where any Cemetery in which Burials have, by Order in Council, under the herein-before recited Acts or any of them, been ordered to be discontinued, is adjoining or near to any Land appropriated or about to be appropriated by any Burial Board for the Purposes of a Burial Ground, and appears to such Board eligible for the Purpose of appropriating or erecting Buildings for or making Approaches to such Burial Ground, or for any other Purpose (except only Burials), it shall be lawful for such Board, with the Approval of the Vestry or respective Vestries, to purchase such Cemetery; and where in the like Case any Cemetery has been so purchased before the passing of this Act, the Purchase thereof shall be deemed to have been lawful: Provided always, that, notwithstanding such Purchase, such Order in Council shall remain in full Force and Effect in relation to such Cemetery.

Orders in Council to remain in force.

Orders in Council may be made for regulating Burial Grounds, &c.

XII. It shall be lawful for Her Majesty, by Order made by and with the Advice of Her Privy Council, on the Representation of One of Her Majesty's Principal Secretaries of State, from Time to Time to establish such Regulations as to Her Majesty may seem proper for the Protection of the public Health, for the Maintenance of public Decency, and for the due Registration of Burials according to the Provisions of an Act passed in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), in respect of any Burial Ground or Place for Burial, or Place for the Reception of Bodies previous to Interment; and every such Order in Council shall be published in the London Gazette, and all Persons having the Care of such Burial Grounds and Places shall conform to and obey such Regulations; and any such Person who shall violate or wilfully neglect to observe any of such Regulations shall, on summary Conviction thereof before Two Justices of the Peace, forfeit and pay any Sum not exceeding *Ten Pounds:* Provided always, that no such Representation shall be made in relation to any Burial Ground or Place for Burial, or Place for the Reception of Bodies, until Ten Days previous Notice in Writing of the Intention

to make such Representation shall have been given to the Person or One of the Persons having the Control or Care of such Burial Ground or Place.

On Representation of Secretary of State, Orders in Council may be made for preventing Vaults which are closed from being dangerous to Health.

XIII. It shall be lawful for Her Majesty, upon the Representation of One of Her Majesty's Principal Secretaries of State, by and with the Advice of Her Privy Council, from Time to Time to order such Acts to be done by or under the Directions of the Churchwardens or such other Persons as may have the Care of any Vaults under any Church or Chapel, in which Vaults Burials may have been or may be by any Order in Council ordered to be discontinued, either wholly or otherwise, for preventing them from becoming or continuing dangerous or injurious to the public Health; and every such Order in Council shall be published in the London Gazette, and such Churchwardens or other Persons shall do or cause to be done all Acts ordered as aforesaid, and the Expenses incurred in and about the doing thereof shall be paid out of the Poor Rates of the Parish.

No Road or Bridge Toll to be payable in respect of Funeral Processions.

XIV. Any Hearse or other Carriage conveying any Corpse, or the Mourners or Attendants at any Funeral, and the Horses drawing any such Hearse or Carriage, or ridden by such Mourners or Attendants, and the Bearers of the Corpse, and Mourners and Attendants on Foot at any Funeral, shall, in going to and returning from the Place of Burial, pass Toll-free over any Turnpike or other Road and any Bridge; and any Person fraudulently or collusively claiming or taking the Benefit of such Exemption, and any Toll Collector demanding and taking Toll from any Person exempt under this Enactment, and who claims such Exemption, shall respectively, upon summary Conviction before Two Justices, be liable to the like Penalties as, under the Act of the Third Year of King George the Fourth, Chapter One hundred and twenty-six, and the Act of the Fourth Year of King George the Fourth, Chapter Ninety-five, Persons fraudulently or collusively claiming Exemption from Toll, and Toll Collectors demanding and taking Tolls from Persons exempt, who claim such Exemption, are respectively subject to.

Interpretation Clause.

XV. In the Construction of this Act the Expression "Burial Board" shall mean a Burial Board constituted under the herein-before recited Acts or any of them.

Acts to be construed together.

XVI. The herein-before recited Acts and this Act shall be construed together as One Act.

Burial Acts Amendment.

A

BILL

To amend the Burial Acts.

(Prepared and brought in by
Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,*
14 *May* 1857.

[Bill 21.]

Under 1 *oz.*

4 *June* 1857. 20 Vict. (Sess. 2.)

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Burial Acts.

Note.—*The Clauses marked* A. *to* I. *were added in Committee.*

WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws concerning the Burial "of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the Dead in England beyond the Limits of "the Metropolis, and to amend the Act concerning the Burial of "the Dead in the Metropolis;" and an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-seven), "to make further Provision for the Burial "of the Dead in England beyond the Limits of the Metropolis;" and Acts were passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty (Chapters Seventy-eight and One hundred and twenty-eight), "to amend the Laws concerning the "Burial of the Dead in England:" And whereas it is expedient to amend the said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 15 & 16 Vict. c. 85. 16 & 17 Vict. c. 134. 17 & 18 Vict. c. 87. 18 & 19 Vict. cc. 78. 128.

I. All Acts authorized to be done by any Burial Board, with the Approval, Sanction, or Authority of the Vestry or Vestries of the Parish Approval of Vestries of Majority of Parishes

sufficient where a Burial Board acts for more than Two Parishes.

Parish or Parishes for which such Board is constituted, may, where a Joint Burial Board is constituted for more than Two Parishes, be done with the Approval, Sanction, or Authority (as the Case may require) of the Vestries of the Majority of such Parishes.

CLAUSE A. Joint Burial Boards may be dissolved.

II. Where the Vestries of Two or more Parishes have agreed to provide One Burial Ground for the common Use of such Parishes, such Vestries may, at any Time before such Burial Ground has been provided, with the Approval of One of Her Majesty's Principal Secretaries of State, determine the Union between such Parishes under such Agreement, and upon such Union being so determined all the Provisions of the said Acts and this Act shall be applicable with regard to such Parishes and the respective Burial Boards thereof as if such Union had not been formed, save that any Expenses already properly incurred by the Joint Burial Board for such Parishes shall be defrayed as provided by the said Acts.

CLAUSE B. Local Board of Health may, by Order in Council, be constituted a Burial Board.

III. Upon the Petition of not less than One Tenth of the Inhabitants of the District of any Local Board of Health rated to the General District Rate, or, if there be no General District Rate, rated to the Relief of the Poor, stating that the District of such Local Board of Health is co-extensive with a District for which it is proposed to provide a Burial Ground, and that no Burial Board has been appointed for such District, and that an Order in Council has been made for closing all or any of the Burial Grounds within the said District, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, in case Her Majesty see fit so to do, to order that such Local Board shall be a Burial Board for the District of such Local Board, and thereupon such Local Board shall be a Burial Board for such District accordingly; and the Powers and Provisions of the Acts herein-before mentioned (except the Provisions relating to the Constitution or Appointment and Resignation of Members of Burial Boards), and the Provisions herein contained, shall extend to the District of such Board, and to such Board, and to any Burial Ground and Places for the Reception of the Bodies of the Dead previously to Interment which may be provided by such Board, in like Manner as to any Parish or Parishes and the Burial Board thereof, and any Burial Ground and any such Places as aforesaid provided by such last-mentioned Board; save that no Approval, Sanction, or Authorization of any Vestry shall be requisite: Provided always, that Notice of such Petition, and of the Time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the London Gazette, and in One of the Newspapers usually circulating in the District of such Local Board, One Month at least before such Petition is so considered:

Provided

Provided also, that this Enactment shall not apply to any such District as aforesaid exclusively consisting of the whole or Part of One Corporate Borough within the Meaning of the Public Health Act, 1848.

With the Approval of Secretary of State a Burial Board may be appointed for a District not maintaining its own Poor, and which has not had a separate Burial Ground. 18 & 19 Vict. c. 128. s. 12.

IV. Where, on the Representation of the Vestry or Meeting in the Nature of a Vestry of any Parish, Township, or other District not separately maintaining its own Poor, and which has had no separate Burial Ground, it appears to One of Her Majesty's Principal Secretaries of State that it would be expedient that such Parish, Township, or District should be enabled to appoint a Burial Board, it shall be lawful for such Vestry or Meeting, with the Approval of the Secretary of State, to appoint a Burial Board accordingly; and such Vestry or Meeting and the Burial Board appointed by it shall exercise and have all the Powers which they might have exercised and had under the said Acts and this Act if such Parish, Township, or District had had a separate Burial Ground before the passing of the said Act of the Eighteenth and Nineteenth Years of Her Majesty.

Guardians may provide Burial Grounds for Paupers.

V. It shall be lawful for the Guardians of any Union or Parish, with the Approbation of the Poor Law Board and One of Her Majesty's Principal Secretaries of State, to provide a Burial Ground for the Purpose of the Interment of Paupers dying in their Union or Parish, and all Chapels, Buildings, or other Matters necessary for the same, and for this Purpose such Guardians shall have the like Powers as they have for providing a Workhouse; and all Provisions applicable with regard to providing a Workhouse, and defraying the Expenses of the same, shall be applicable to such Burial Ground and all Chapels, Buildings, and Matters as aforesaid; and the whole, or such Portion thereof as may be set apart for Burials according to the Rites of the United Church of England and Ireland, may be consecrated by the Bishop of the Diocese: The Expressions "Guardians," "Union," and "Parish" shall have the same Construction in this Enactment as when used in the Act of the Session holden in the Fourth and Fifth Years of King William the Fourth, Chapter Seventy-six.

Committees of Visitors of Lunatic Asylums may provide Burial Grounds for the same.

VI. It shall be lawful for the Committee of Visitors of any Lunatic Asylum, with the Consent of One of Her Majesty's Principal Secretaries of State, to provide a Burial Ground for the Burial of Patients dying in such Asylum, and of the Officers and Servants belonging to such Asylum, and dying therein, and to provide all Chapels, Buildings, and other Matters necessary for the same, and for this Purpose such Committee shall have the like Powers as a Committee of Visitors having Authority to provide an Asylum; and all Provisions applicable

with regard to providing an Asylum by any Committee having Authority as aforesaid, and with regard to defraying the Expenses of providing the same, shall be applicable to such Burial Ground, and all such Chapels, Buildings, and Matters as aforesaid; and such Burial Ground, or such Part thereof as may be set apart for Burials according to the Rites of the United Church of England and Ireland, may be consecrated by the Bishop of the Diocese.

CLAUSE D. Visitors of Lunatic Asylums may contribute to Expenses of enlarging or providing Burial Grounds.

VII. Provided, That it shall be lawful for the Committee of Visitors of any Lunatic Asylum, instead of providing such Burial Ground as aforesaid, to contribute such Sum of Money as the Commissioners in Lunacy shall approve towards the Enlargement of any Churchyard or consecrated public Burial Ground in the Parish wherein the Asylum shall be situated, or in any other Parish of the District, or towards the obtaining of any such consecrated Burial Ground, and where any such Churchyard or Burial Ground shall be enlarged or obtained with the Aid of such Contribution, it shall be lawful for the Committee of Visitors to cause to be buried therein the Body of any Lunatic dying in such Asylum: Provided always, that in all Cases of Burial under the Direction of the Committee as aforesaid, the Fees payable by the Custom of the Place where the Burial may be or under the Provisions of any Act of Parliament shall be paid by the said Committee.

CLAUSE E. Burial Boards may provide more than One Burial Ground.

VIII. Any Burial Board may, if they see fit, with the Approval of One of Her Majesty's Principal Secretaries of State, provide more than One Burial Ground, and may, if they see fit with such Approval, instead of setting apart a Portion of any Burial Ground for the Purpose of such Portion being used as unconsecrated Ground, provide separate and distinct Grounds to be used respectively as consecrated and unconsecrated Burial Grounds: Where before the passing of this Act any Burial Board has provided more than One Burial Ground, or has (instead of setting apart a Portion of any Burial Ground for the Purpose of being used as unconsecrated Ground) provided separate and distinct Grounds as consecrated and unconsecrated Burial Grounds, such Burial Board shall be deemed to have acted lawfully and in accordance with the said Acts.

15 & 16 Vict. c. 85. s. 20. repealed in part.

IX. So much of Section Twenty of the firstly herein-before recited Act as requires "that there shall be paid in every Year, in addition to "the Interest of the Money borrowed and unpaid, not less than One "Twentieth of the Principal Sum borrowed, until the whole is dis-"charged," shall be repealed, and the Provisions of the other Acts herein-before recited to which the said Section has been extended shall be construed accordingly.

X. The

CLAUSE F.
Clauses of Commissioners Clauses Act, 1847, with respect to Mortgages incorporated.

X. The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be executed by the Commissioners, shall be incorporated with this Act, and shall apply to Mortgages and other Securities to be executed by Burial Boards; and for the Purposes of this Act the Expression "the Commissioners" where used in the said Clauses shall mean the Burial Board acting in the Execution of the said Clauses and the Acts herein-before recited or this Act.

Sinking Fund for paying off Mortgages.

XI. Provided always, That for the Purpose of providing a Sinking Fund for paying off the Principal Money borrowed on Mortgages granted under any of the said Acts or this Act, the Burial Board shall once in every Year set aside, out of the Monies charged by such Mortgages, such Sum as they think proper, being a Sum equal to or exceeding One Fiftieth Part of the Principal Money so borrowed.

Burial Boards may borrow on terminable Annuities.

XII. Any Burial Board or Council of a Borough may, for the Purpose of raising Money, instead of making Mortgages under any of the said Acts, grant terminable Annuities for a Life or Lives, or for any Number of Years not exceeding Thirty Years, to be paid out of the like Monies as provided with regard to the Monies secured by such Mortgages.

CLAUSE G.
Councils of Boroughs may make a separate Rate for Burial and Expenses.

XIII. Any Money required by the Council of any Borough for the Purpose of defraying the Expense of executing the Acts herein-before recited, or any of them, or this Act, or for paying any Monies borrowed under such Act, or any Interest thereon, may be raised by such Council, if they think fit, by means of a separate Rate, to be called a Burial Rate, to be charged upon all Property within such Borough liable to be charged to the Borough Rate; and the Council of such Borough shall have all such Powers for making and levying such Rate, and all Provisions shall be applicable in respect thereof, as in the Case of a Borough Rate made under the Act passed in the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six.

Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.

XIV. Where a Burial Ground has been provided for any Parish under any of the Acts commonly referred to or known as the Church Building Acts, and the same has been consecrated, and any Money expended in providing such Burial Ground has been borrowed on the Security of the Church Rates, it shall be lawful for the Incumbent of the Parish, with the Consent of the Ordinary and the Burial Board of such Parish, or of any Borough or District in which such Parish is wholly or in part comprised, by Instrument in Writing under the Hands and Seals of such Incumbent and Ordinary, and under the Seal of the said Burial Board, to declare that, in consideration of

the Payment of the Debt by the said Burial Board, the said Burial Ground shall be vested in and be under the Care and Management of such Burial Board, and thereupon the same shall be vested in and be under the Care and Management of such Board, and shall be subject to the Provisions of the herein-before recited Acts and this Act applicable to a consecrated Burial Ground or the consecrated Part of any Burial Ground provided by any Burial Board, and any Money borrowed as aforesaid, and remaining owing, and the Interest due and to become due thereon, and all Costs and Expenses occasioned by the Nonpayment thereof, or incurred in providing such Burial Ground, and then remaining unpaid, shall be charged on and paid out of such Rates or Fund as under the said last-mentioned Acts and this Act would be chargeable with the Expense of providing a Burial Ground by such Board, and such Declaration as aforesaid shall be registered in the Registry of the Diocese.

Burial Boards may in certain Cases purchase Cemeteries which have been closed.

XV. Where any Cemetery in which Burials have, by Order in Council, under the herein-before recited Acts or any of them, been ordered to be discontinued, is adjoining or near to any Land appropriated or about to be appropriated by any Burial Board for the Purposes of a Burial Ground, and appears to such Board eligible for the Purpose of appropriating or erecting Buildings for or making Approaches to such Burial Ground, or for any other Purpose (except only Burials), it shall be lawful for such Board, with the Approval of the Vestry or respective Vestries, to purchase such Cemetery; and where in the like Case any Cemetery has been so purchased before the passing of this Act, the Purchase thereof shall be deemed to have been lawful: Provided always, that, notwithstanding such Purchase, such Order in Council shall remain in full Force and Effect in relation to such Cemetery.

Orders in Council to remain in force.

Orders in Council may be made for regulating Burial Grounds, &c.

XVI. It shall be lawful for Her Majesty, by Order made by and with the Advice of Her Privy Council, on the Representation of One of Her Majesty's Principal Secretaries of State, from Time to Time to establish such Regulations as to Her Majesty may seem proper for the Protection of the public Health, for the Maintenance of public Decency, in respect of any Burial Ground or Place for Burial, or Place for the Reception of Bodies previous to Interment, which may be specially named or referred to in such Order, although such Burial Ground or Place may not have been provided under the Acts herein-before mentioned and this Act, or any of them; and every such Order in Council shall be published in the London Gazette, and all Persons having the Care of such Burial Grounds and Places shall conform to and obey such Regulations; and any such Person who shall violate or wilfully neglect to observe any of such Regulations shall, on summary

summary Conviction thereof before Two Justices of the Peace, forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that no such Representation shall be made in relation to any Burial Ground or Place for Burial, or Place for the Reception of Bodies, until Ten Days previous Notice in Writing of the Intention to make such Representation shall have been given to the Person or One of the Persons having the Control or Care of such Burial Ground or Place: Provided also, that nothing in this Enactment shall affect the Power of the Secretary of State to establish Regulations in relation to Burial Grounds or Places for the Reception of Bodies previously to Interment which have been or may be provided under the Acts herein-before mentioned and this Act, or any of them.

On Representation of Secretary of State, Orders in Council may be made for preventing Vaults which are closed from being dangerous to Health.

XVII. It shall be lawful for Her Majesty, upon the Representation of One of Her Majesty's Principal Secretaries of State, by and with the Advice of Her Privy Council, from Time to Time to order such Acts to be done by or under the Directions of the Churchwardens or such other Persons as may have the Care of any Vaults under any Church or Chapel, in which Vaults Burials may have been or may be by any Order in Council ordered to be discontinued, either wholly or otherwise, for preventing them from becoming or continuing dangerous or injurious to the public Health; and every such Order in Council shall be published in the London Gazette, and such Churchwardens or other Persons shall do or cause to be done all Acts ordered as aforesaid, and the Expenses incurred in and about the doing thereof shall be paid out of the Poor Rates of the Parish: Provided always, that no such Representation shall be made until Ten Days previous Notice of the Intention to make such Representation shall have been given to the Churchwardens or other Persons, or One of the Churchwardens or other Persons, having the Care of the Vaults under each Church or Chapel to which the Representation relates.

No Turnpike Toll to be payable in respect of Funeral Processions.

XVIII. Any Hearse or other Carriage conveying any Corpse, or the Mourners or Attendants at any Funeral, and the Horses drawing any such Hearse or Carriage, or ridden by such Mourners or Attendants, shall, in going to and returning from the Place of Burial, pass Toll-free over any Turnpike Road; and any Person fraudulently or collusively claiming or taking the Benefit of such Exemption, and any Toll Collector demanding and taking Toll from any Person exempt under this Enactment, and who claims such Exemption, shall respectively, upon summary Conviction before Two Justices, be liable to the like Penalties as, under the Act of the Third Year of King George the Fourth, Chapter One hundred and twenty-six, and the Act of the Fourth Year of King George the Fourth, Chapter Ninety-five, Persons fraudulently or collusively

claiming Exemption from Toll, and Toll Collectors demanding and taking Tolls from Persons exempt, who claim such Exemption, are respectively subject to.

CLAUSE H. Trustees of closed Cemeteries empowered, with Sanction of Secretary of State, to let, lease, or sell Portions thereof which have not received Interments.

XIX. In all Cases in which unconsecrated Land or Buildings is or are vested in a Trustee or Trustees, either under any Local Act or otherwise, for the Purposes of a Cemetery or Burial Ground, and Burials in such Cemetery or Burial Ground shall by Order in Council under the herein-before recited Acts or any of them have been ordered to be wholly or partially discontinued, it shall be lawful for the Trustee or Trustees for the Time being of such Cemetery or Burial Ground, from Time to Time, with the Sanction of One of Her Majesty's Principal Secretaries of State, to let, demise, or lease any Part or Parts, in which no Interment shall have taken place, of such Land or Buildings, and to renew or accept Surrenders of any Leases or Tenancies thereof, and to sell and absolutely dispose thereof for Money in gross, or for any perpetual or other Rent or Rents to be made payable thereout, and by Public Auction or Private Contract, and to sell all or any such perpetual or other Rent or Rents for Money in gross and in manner aforesaid, and for any of the Purposes aforesaid to make and execute any Contracts, Conveyances, Leases, or other Assurances, and to take any Measures and make any Arrangements which may be deemed expedient, and upon any such Lease or Sale as aforesaid a Grant or Conveyance by such Trustee or Trustees alone shall be a sufficient Assurance of the Property thereby purported to be leased or sold, and the Receipts of such Trustee or Trustees shall be effectual Discharges for the Monies therein expressed to have been received, and shall absolve any Lessee or Purchaser from having to see to or being answerable for the Application of such Monies; and the net Monies to be received by such Trustee or Trustees under any of the preceding Powers shall be applied by them in discharge of any Incumbrances affecting such Cemetery or Burial Ground, and any Debts which such Trustee or Trustees may have properly incurred in their fiduciary Capacity, and any Residue of such Monies shall, where such Land or Buildings shall have been held in trust for any Parish, be applied in such Manner, for the Benefit of such Parish, as the Vestry of such Parish shall direct; but where such Land or Buildings shall have been held in trust for the Benefit of private Persons, such Residue shall be divided by such Trustee or Trustees rateably among the Cestuisque Trusts; and it shall be lawful for such Trustee or Trustees so to apply any reserved Fund in his or their Hands.

CLAUSE I. Council of Borough to

XX. Where any such Cemetery or Burial Ground as is in the lastly preceding Section mentioned, and in which Burials have been ordered

ordered to be discontinued, is situated in a Borough, the Council of such Borough shall maintain the whole, or, as the Case may be, the Portions not let or sold, of such Cemetery or Burial Ground, in decent Order, and also do the necessary Repair of the Walls and other Fences thereof, and the Costs and Expenses of their so doing shall be paid in like Manner as the Expenses of the Council of such Borough incurred in executing as a Burial Board the Acts herein-before recited or any of them are or might be defrayed. keep certain closed Cemeteries in decent Order and Repair.

XXI. In the Construction of this Act the Expression "Burial Board" shall mean a Burial Board constituted under the herein-before recited Acts or any of them, or under this Act. Interpretation Clause.

XXII. The herein-before recited Acts and this Act shall be construed together as One Act. Acts to be construed together.

Burial Acts Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Burial Acts.

(Prepared and brought in by Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 4 *June* 1857.

[Bill 40.]

Under 2 oz.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Amend the Burial Acts.

WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth Years of Her Majesty (Chapter Eighty-five), "to amend the Laws concerning the Burial "of the Dead in the Metropolis;" and an Act was passed in the Session holden in the Sixteenth and Seventeenth Years of Her Majesty (Chapter One hundred and thirty-four), "to amend the Laws concerning the Burial of the Dead in England beyond the Limits of "the Metropolis, and to amend the Act concerning the Burial of "the Dead in the Metropolis;" and an Act was passed in the Session holden in the Seventeenth and Eighteenth Years of Her Majesty (Chapter Eighty-seven), "to make further Provision for the Burial "of the Dead in England beyond the Limits of the Metropolis;" and Acts were passed in the Session holden in the Eighteenth and Nineteenth Years of Her Majesty (Chapters Seventy-eight and One hundred and twenty-eight), "to amend the Laws concerning the "Burial of the Dead in England:" And whereas it is expedient to amend the said Acts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 15 & 16 Vict. c. 85. 16 & 17 Vict. c. 134. 17 & 18 Vict. c. 87. 18 & 19 Vict. cc. 78. 128.

I. All Acts authorized to be done by any Burial Board, with the Approval, Sanction, or Authority of the Vestry or Vestries of the Parish Approval of Vestries of Majority of Parishes

sufficient where a Burial Board acts for more than Two Parishes.

Parish or Parishes for which such Board is constituted, may, where a Joint Burial Board is constituted for more than Two Parishes, be done with the Approval, Sanction, or Authority (as the Case may require) of the Vestries of the Majority of such Parishes.

CLAUSE A. Joint Burial Boards may be dissolved.

II. Where the Vestries of Two or more Parishes have agreed to provide One Burial Ground for the common Use of such Parishes, such Vestries may, at any Time before such Burial Ground has been provided, determine the Union between such Parishes under such Agreement, and upon such Union being so determined all the Provisions of the said Acts and this Act shall be applicable with regard to such Parishes and the respective Burial Boards thereof as if such Union had not been formed, save that any Expenses already properly incurred by the Joint Burial Board for such Parishes shall be defrayed as provided by the said Acts.

CLAUSE E Burial Boards may provide more than One Burial Ground.

III. Any Burial Board may, if they see fit, with the Approval of One of Her Majesty's Principal Secretaries of State, provide more than One Burial Ground, and may, if they see fit, with such Approval, instead of setting apart a Portion of any Burial Ground for the Purpose of such Portion being used as unconsecrated Ground, provide separate and distinct Grounds to be used respectively as consecrated and unconsecrated Burial Grounds: Where before the passing of this Act any Burial Board has provided more than One Burial Ground, or has (instead of setting apart a Portion of any Burial Ground for the Purpose of being used as unconsecrated Ground) provided separate and distinct Grounds as consecrated and unconsecrated Burial Grounds, such Burial Board shall be deemed to have acted lawfully and in accordance with the said Acts.

CLAUSE B. Local Board of Health may, by Order in Council, be constituted a Burial Board.

IV. In case it appear to Her Majesty in Council, upon the Petition of the Local Board of Health of any District established under the Public Health Act, stating that the District of such Local Board of Health is co-extensive with a District for which it is proposed to provide a Burial Ground, and that no Burial Board has been appointed for such District, and that an Order in Council has been made for closing all or any of the Burial Grounds within the said District, it shall be lawful for Her Majesty, with the Advice of Her Privy Council, in case Her Majesty see fit so to do, to order that such Local Board shall be a Burial Board for the District of such Local Board, and thereupon such Local Board shall be a Burial Board for such District accordingly; and the Powers and Provisions of the Acts herein-before mentioned (except the Provisions relating to the Constitution or Appointment and Resignation of Members of Burial Boards), and the Provisions herein contained, shall extend to the District

District of such Board, and to such Board, and to any Burial Ground and Places for the Reception of the Bodies of the Dead previously to Interment which may be provided by such Board, in like Manner as to any Parish or Parishes and the Burial Board thereof, and any Burial Ground and any such Places as aforesaid provided by such last-mentioned Board; save that no Approval, Sanction, or Authorization of any Vestry shall be requisite: Provided always, that Notice of such Petition, and of the Time when it shall please Her Majesty to order the same to be taken into consideration by the Privy Council, shall be published in the London Gazette, and in One of the Newspapers usually circulating in the District of such Local Board, One Month at least before such Petition is so considered: Provided also, that this Enactment shall not apply to any such District as aforesaid exclusively consisting of the whole or Part of One Corporate Borough within the Meaning of the Public Health Act, 1848.

CLAUSE K. Burial Board may be established for a District not maintaining its own Poor, and which has had no separate Burial Ground.

V. The Vestry, or Meeting in the Nature of a Vestry, of any Parish, Township, or other District not separately maintaining its own Poor, and which has had no separate Burial Ground, may appoint a Burial Board; and such Vestry or Meeting, and the Burial Board appointed by it, shall exercise and have all the Powers which they might have exercised and had under the said Acts and this Act if such Parish, Township, or District had had a separate Burial Ground before the passing of the said Act of the Eighteenth and Nineteenth Years of Her Majesty.

Provision for Transfer to a Burial Board of a Burial Ground provided under Church Building Acts.

VI. Where a Burial Ground has been provided for any Parish under any of the Acts commonly referred to or known as the Church Building Acts, and the same has been consecrated, and any Money expended in providing such Burial Ground has been borrowed on the Security of the Church Rates, it shall be lawful for the Incumbent of the Parish, with the Consent of the Ordinary and the Burial Board of such Parish, or of any Borough or District in which such Parish is wholly or in part comprised, by Instrument in Writing under the Hands and Seals of such Incumbent and Ordinary, and under the Seal of the said Burial Board, to declare that, in consideration of the Payment of the Debt by the said Burial Board, or of such Sum as shall be mutually agreed upon, with the Consent of the Persons, signified in Writing under their Hands, to whom Two Thirds of such Debt is due, the said Burial Ground shall be vested in and be under the Care and Management of such Burial Board, and thereupon the same shall be vested in and be under the Care and Management of such Board, and shall be subject to the Provisions of the hereinbefore recited Acts and this Act applicable to a consecrated Burial

Ground or the consecrated Part of any Burial Ground provided by any Burial Board; and any Money borrowed as aforesaid, and remaining owing, and the Interest due and to become due thereon, and all Costs and Expenses occasioned by the Nonpayment thereof, or incurred in providing such Burial Ground, and then remaining unpaid, shall be charged on and paid out of such Rates or Fund as under the said last-mentioned Acts and this Act would be chargeable with the Expense of providing a Burial Ground by such Board, and such Declaration as aforesaid shall be registered in the Registry of the Diocese; and such Board may, with the Approval of the Vestry, enlarge such Burial Ground by the Addition of Ground to be used for Burials otherwise than according to the Rites of the Church of England, and to be used subject to the Provisions of the Acts herein recited and of this Act in respect to the unconsecrated Portions of Burial Grounds.

CLAUSE P. 18 & 19 Vict. c. 128. s. 11. Burial Boards not to be appointed for united Parishes, &c. in Cases provided for by 18 & 19 Vict. c. 128. s. 11., without Consent of Secretary of State, where One of the Places separately maintains its own Poor or has a Burial Ground.

VII. And whereas by the said Act of the Eighteenth and Nineteenth Years of Her Majesty, Chapter One hundred and twenty-eight, it is enacted, that where a Parish or Place has been united with any other Parish or Place, Parishes or Places, for all or any Ecclesiastical Purposes, or where Two or more Parishes or Places have heretofore had a Church or a Burial Ground for their joint Use, or where the Inhabitants of several Parishes or Places have been accustomed to meet in One Vestry for Purposes common to such several Parishes or Places, it shall be lawful for the Vestry, or any Meeting in the Nature of a Vestry, of such several Parishes or Places, in any of the Cases aforesaid, and whether any One or more of such Parishes or Places do or do not separately maintain its own Poor, to appoint a Burial Board, and from Time to Time to supply Vacancies therein, and to exercise the same Powers of Authorization, Approval, and Sanction in relation to such Burial Board, and such other Powers as, under the Acts therein recited and that Act, are vested in the Vestry of a Parish or Place separately maintaining its own Poor: Where any of the several Parishes or Places under the Circumstances provided for in the said Enactment separately maintains its own Poor, or has a separate Burial Ground, it shall not be lawful for the Vestry, or Meeting in the Nature of a Vestry, of such several Parishes or Places to appoint a Burial Board under the said Enactment without the Approval of One of Her Majesty's Principal Secretaries of State; and in case it appear to the Secretary of State that any such Parish or Place has a sufficient Burial Ground, or that otherwise it would not be expedient that the Powers given by the said Enactment should be exercised in relation to such Parish or Place, the Secretary of State may direct that such Parish or Place shall be excepted from the Operation of the said Enactment, and thereupon the same shall be excepted

excepted accordingly; and the Inhabitants of the remaining Parish or Parishes, Place or Places, may assemble in Vestry, or in a Meeting in the Nature of a Vestry, from Time to Time, and in such Vestry or Meeting may proceed in like Manner under the said Acts and this Act in all respects as if the Inhabitants of such last-mentioned Parish or Parishes, Place or Places, exclusively had a Vestry for their common Purposes, and were wholly unconnected with the Parish or Place so excepted.

Orders in Council may be made for regulating Burial Grounds, &c.

VIII. It shall be lawful for Her Majesty, by Order made by and with the Advice of Her Privy Council, on the Representation of One of Her Majesty's Principal Secretaries of State, from Time to Time to establish such Regulations as to Her Majesty may seem proper for the Protection of the public Health, and for the Maintenance of public Decency, in respect of any Cemeteries named in Schedule (B.) to the Act Fifteenth and Sixteenth Victoria, Chapter Eighty-five, and in respect of any Cemetery established under the Authority of any Act of Parliament; and every such Order in Council shall be published in the London Gazette; and all Persons having the Care of such Cemeteries and Burial Grounds and Places shall conform to and obey such Regulations; and any such Person who shall violate or wilfully neglect to observe any of such Regulations shall, on summary Conviction thereof before Two Justices of the Peace, forfeit and pay any Sum not exceeding Ten Pounds: Provided always, that no such Representation shall be made in relation to any Cemetery or Burial Ground until Ten Days previous Notice in Writing of the Intention to make such Representation shall have been given to the Person or One of the Persons having the Control or Care of such Cemetery or Burial Ground; provided also, that such Regulations shall not prohibit the Burial of any Number of Bodies not exceeding Four in the same common Grave on the same Day in any of the Cemeteries mentioned in Schedule (B.) of the Act Fifteenth and Sixteenth Victoria, Chapter Eighty-five, or in any Cemetery established in pursuance of any Act of Parliament, provided that every Coffin so buried shall be separated from any other Coffin by at least a Foot of Earth, and be buried at least Four Feet below the Surface of the Ground, and provided that such Grave shall be filled in on the Day of Burial, and never again opened until the Remains of the Bodies buried therein shall be completely decayed; provided also, that such Regulations shall not invalidate or interfere with any Contract or Agreement for the Burial in such Cemetery or Burial Ground as aforesaid of not more than Six Bodies in the same Grave, under the Regulations as aforesaid as to the Depth and closing of the Grave, entered into before the Thirtieth Day of June last past, and which shall have been approved, prior to the passing of this Act,

by the Local Board of Health of the District in which such Cemetery or Burial Ground may be situated.

CLAUSE Q. Incumbent or Curate to bury in Burial Ground certified by Secretary of State.

IX. In any Burial Ground provided under the Powers of the Acts herein-before recited or this Act, respecting which One of Her Majesty's Principal Secretaries of State shall have certified that the necessary Provisions have been complied with, it shall be lawful for the Incumbent of such Parish, or his Curate, or such duly qualified Person as such Incumbent may authorize, if such Incumbent, Curate, or such duly qualified Person respectively think fit, to bury in such Burial Ground prior to the Consecration thereof.

CLAUSE N. 3 G. 4. c. 126. s. 32., exempting Funerals from Tolls, extended to Funerals in Burial Grounds provided for the Parish, although not within its Limits.

X. Whereas by Section Thirty-two of the Act of the Third Year of King George the Fourth, Chapter One hundred and twenty-six, it is enacted, that no Toll shall be demanded or taken by virtue of that or any other Act or Acts of Parliament on any Turnpike Road of or from any Inhabitant of any Parish, Township, or Place going to or returning from attending the Funeral of any Person who shall die and be buried in the Parish, Township, or Place in which any Turnpike Road shall lie, from and after the First Day of July One thousand eight hundred and fifty-eight, or from and after the Termination of any now existing Lease of Tolls expiring before that Date, the said Enactment shall extend to exempt from Toll every Person going to or returning from attending the Funeral of any Person who shall be buried in any Burial Ground provided for the Parish, Township, or Place in which he died under the Acts herein-before recited and this Act, or any of them, or under any other Act of Parliament, although such Burial Ground be not within the Limits of the Parish, Township, or Place for which it may have been provided, or in which the Turnpike Road shall lie.

CLAUSE R. Persons wilfully destroying, &c. Register Book of Burials guilty of Felony.

XI. That every Person who shall wilfully destroy or injure, or cause to be destroyed or injured, any Register Book of Burials, kept according to the Provisions of this Act, or any Part or certified Copy of any Part of such Register, or shall falsely make or counterfeit, or cause to be falsely made or counterfeited, any Part of any such Register or certified Copy thereof, or shall wilfully insert or cause to be inserted in any Registry Book or certified Copy thereof any false Entry of any Burial, or shall wilfully give any false Certificate, or shall certify any Writing to be a Copy or Extract of any such Register Book, knowing the same to be false in any Part thereof, or shall forge or counterfeit the Seal of any Burial Board, shall be guilty of Felony.

XII. No

CLAUSE L.

Fees for Service done in unconsecrated Portion of Burial Ground to be identical as for consecrated Portion.

XII. No Fees shall be charged or received by any Burial Board in respect of any Service done or Right granted in the unconsecrated Portion of any Burial Ground provided by such Board, but such as are identical in Amount with the Fees charged and received in respect of the same Service or Right in the consecrated Portion of such Ground, less any such Portion of such corresponding Fees or Payments which may be received for or on account of any Incumbent, Churchwarden, Clerk, or Sexton, or of any Trustee for or on behalf of any Incumbent, Churchwarden, Clerk, or Sexton.

CLAUSE M.

No Fees to be paid to Incumbent and others but for Service rendered in consecrated Portion of Burial Ground.

XIII. No Fees or Sums shall be paid by any Board to any Incumbent, Churchwarden, Clerk, or Sexton, or such Trustee as aforesaid, but such as shall have actually been received for him or on his Account for or in respect of some Service or Right actually done or granted in the consecrated Portion of the said Ground.

15 & 16 Vict. c. 85. s. 20. repealed in part.

XIV. So much of Section Twenty of the firstly herein-before recited Act as requires "that there shall be paid in every Year, in addition to "the Interest of the Money borrowed and unpaid, not less than One "Twentieth of the Principal Sum borrowed, until the whole is dis-"charged," shall be repealed, and the Provisions of the other Acts herein-before recited to which the said Section has been extended shall be construed accordingly.

CLAUSE

Clauses of Commissioners Clauses Act, 1847, with respect to Mortgages incorporated.

XV. The Clauses of the Commissioners Clauses Act, 1847, with respect to Mortgages to be executed by the Commissioners, shall be incorporated with this Act, and shall apply to Mortgages and other Securities to be executed by Burial Boards; and for the Purposes of this Act the Expression "the Commissioners" where used in the said Clauses shall mean the Burial Board acting in the Execution of the said Clauses and the Acts herein-before recited or this Act.

Sinking Fund for paying off Mortgages.

XVI. Provided always, That for the Purpose of providing a Sinking Fund for paying off the Principal Money borrowed on Mortgages granted under any of the said Acts or this Act, the Burial Board shall once in every Year set aside, out of the Monies charged by such Mortgages, such Sum as they think proper, being a Sum equal to or exceeding One Fiftieth Part of the Principal Money so borrowed.

Burial Boards may borrow on terminable Annuities.

XVII. Any Burial Board or Council of a Borough may, for the Purpose of raising Money, instead of making Mortgages under any of the said Acts, grant terminable Annuities for a Life or Lives, or for any Number of Years not exceeding Thirty Years, to be paid out of the like Monies as provided with regard to the Monies secured by such Mortgages.

CLAUSE G.
Councils of Boroughs may make a separate Rate for Burial and Expenses.

XVIII. Any Money required by the Council of any Borough for the Purpose of defraying the Expense of executing the Acts herein-before recited, or any of them, or this Act, or for paying any Monies borrowed under such Act, or any Interest thereon, may be raised by such Council, if they think fit, by means of a separate Rate, to be called a Burial Rate, to be charged upon all Property within such Borough liable to be charged to the Borough Rate; and the Council of such Borough shall have all such Powers for making and levying such Rate, and all Provisions shall be applicable in respect thereof, as in the Case of a Borough Rate made under the Act passed in the Session holden in the Fifth and Sixth Years of King William the Fourth, Chapter Seventy-six.

On Representation of Secretary of State, Orders in Council may be made for preventing Vaults which are closed from being dangerous to Health.

XIX. It shall be lawful for Her Majesty, upon the Representation of One of Her Majesty's Principal Secretaries of State, by and with the Advice of Her Privy Council, from Time to Time to order such Acts to be done by or under the Directions of the Churchwardens or such other Persons as may have the Care of any Vaults or Places of Burial, for preventing them from becoming or continuing dangerous or injurious to the public Health; and every such Order in Council shall be published in the London Gazette, and such Churchwardens or other Persons shall do or cause to be done all Acts ordered as aforesaid, and the Expenses incurred in and about the doing thereof shall be paid out of the Poor Rates of the Parish: Provided always, that no such Representation shall be made until Ten Days previous Notice of the Intention to make such Representation shall have been given to the Churchwardens or other Persons, or One of the Churchwardens or other Persons, having the Care of the Vaults or Places of Burial to which the Representation relates.

CLAUSE I.
Council of Borough to keep certain closed Cemeteries in decent Order and Repair.

XX. Where any Cemetery or Burial Ground in which Burials have been ordered to be discontinued is situated in a Borough, the Council of such Borough shall maintain the whole, or, as the Case may be, the Portions not let or sold, of such Cemetery or Burial Ground, in decent Order, and also do the necessary Repair of the Walls and other Fences thereof, and the Costs and Expenses of their so doing shall be paid in like Manner as the Expenses of the Council of such Borough incurred in executing as a Burial Board the Acts herein-before recited or any of them are or might be defrayed.

CLAUSE II.
Trustees of closed Cemeteries empowered, with Sanction of Secretary of State,

XXI. In all Cases in which unconsecrated Land or Buildings is or are vested in a Trustee or Trustees, either under any Local Act or otherwise, for the Purposes of a Cemetery or Burial Ground, and Burials in such Cemetery or Burial Ground shall by Order in Council under the herein-before recited Acts or any of them have been ordered

ordered to be wholly or partially discontinued, it shall be lawful for the Trustee or Trustees for the Time being of such Cemetery or Burial Ground, from Time to Time, with the Sanction of One of Her Majesty's Principal Secretaries of State, to let, demise, or lease any Part or Parts, in which no Interment shall have taken place, of such Land or Buildings, and to renew or accept Surrenders of any Leases or Tenancies thereof, and to sell and absolutely dispose thereof for Money in gross, or for any perpetual or other Rent or Rents to be made payable thereout, and by Public Auction or Private Contract, and to sell all or any such perpetual or other Rent or Rents for Money in gross and in manner aforesaid, and for any of the Purposes aforesaid to make and execute any Contracts, Conveyances, Leases, or other Assurances, and to take any Measures and make any Arrangements which may be deemed expedient, and upon any such Lease or Sale as aforesaid a Grant or Conveyance by such Trustee or Trustees alone shall be a sufficient Assurance of the Property thereby purported to be leased or sold, and the Receipts of such Trustee or Trustees shall be effectual Discharges for the Monies therein expressed to have been received, and shall absolve any Lessee or Purchaser from having to see to or being answerable for the Application of such Monies; and the net Monies to be received by such Trustee or Trustees under any of the preceding Powers shall be applied by them in discharge of any Incumbrances affecting such Cemetery or Burial Ground, and any Debts which such Trustee or Trustees may have properly incurred in their fiduciary Capacity, and any Residue of such Monies shall, where such Land or Buildings shall have been held in trust for any Parish, be applied in such Manner, for the Benefit of such Parish, as the Vestry of such Parish shall direct; but where such Land or Buildings shall have been held in trust for the Benefit of private Persons, such Residue shall be divided by such Trustee or Trustees rateably among the Cestuisque Trusts; and it shall be lawful for such Trustee or Trustees so to apply any reserved Fund in his or their Hands.

to let, lease, or sell Portions thereof which have not received Interments.

CLAUSE O.

XXII. Except in the Cases where a Body is removed from one consecrated Place of Burial to another by Faculty granted by the Ordinary for that Purpose, it shall not be lawful to remove any Body, or the Remains of any Body, which may have been interred in any Place of Burial without Licence under the Hand of One of Her Majesty's Principal Secretaries of State, and with such Precautions as such Secretary of State may prescribe as the Condition of such Licence; and any Person who shall remove any such Body or Remains, contrary to this Enactment, or who shall neglect to observe the Precautions prescribed as the Condition of the Licence for Removal, shall, on summary Conviction before any Two Justices of the Peace, forfeit

Bodies not to be removed from Burial Grounds, save under Faculty, without Licence of Secretary of State.

forfeit and pay for every such Offence a Sum not exceeding Ten Pounds.

Burial Boards may in certain Cases purchase Cemeteries which have been closed.

XXIII. Where any Cemetery in which Burials have, by Order in Council, under the herein-before recited Acts or any of them, been ordered to be discontinued, is adjoining or near to any Land appropriated or about to be appropriated by any Burial Board for the Purposes of a Burial Ground, and appears to such Board eligible for the Purpose of appropriating or erecting Buildings for or making Approaches to such Burial Ground, or for any other Purpose (except only Burials), it shall be lawful for such Board, with the Approval of the Vestry or respective Vestries, to purchase such Cemetery; and where in the like Case any Cemetery has been so purchased before the passing of this Act, the Purchase thereof shall be deemed to have been lawful: Provided always, that, notwithstanding such Purchase, such Order in Council shall remain in full Force and Effect in relation to such Cemetery.

Orders in Council to remain in force.

Interpretation Clause.

XXIV. In the Construction of this Act the Expression "Burial Board" shall mean a Burial Board constituted under the herein-before recited Acts or any of them, or under this Act.

Acts to be construed together.

XXV. The herein-before recited Acts and this Act shall be construed together as One Act.

Burial Acts Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To amend the Burial Acts.

(Prepared and brought in by Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 22 *July* 1857.

[Bill 147.]

Under 2 oz.

LORDS AMENDMENTS

TO THE

BURIAL ACTS AMENDMENT BILL.

Note.—*The Page and Line refer to the Bill* (157.) *as first printed by the Lords.*

Page 3.

Line 25. After (" Parish ") insert (" new Parish ")

Line 30. After (" Parish ") insert (" new Parish ")

Page 4.

Line 19. After (" are ") insert (" or shall hereafter become ")

Line 26. Leave out the first (" the ") and insert (" Burial "), and in the same Line leave out (" of such Burial ")

Line 27. Leave out (" bury therein ") and insert (" direct ")

Line 28. After (" aforesaid ") insert (" to be buried therein, and " the Land so consecrated shall not thenceforth be " used for any other Purposes, and shall be kept in " decent Order, and the Fences thereof, and any " Building or other Erection therein or adjoining " thereto used for the Performance of the Burial " Service, shall be maintained in good Repair ")

Line 29. Leave out (" bury in such Grounds ") and insert (" direct "), and after (" Person ") insert (" to be " buried in such Grounds ")

Line 30. After (" shall ") insert (" by Letter addressed to the " Master of the Workhouse or otherwise ")

Page 7.

Line 6. Leave out from (" Ground ") to the End of the Clause.

Line 39. After (" Ireland ") insert (" which Application the " Board is required to make as soon as such Ground " is in such fit and proper Condition ")

Line 42. After (" Dispute ") insert (" and if the said Archbishop " shall decide that the said Burial Ground is not in " a fit and proper Condition as aforesaid, then the " Board shall be bound to put the said Ground in " a fit and proper Condition ")

Page 8.

Line 15. After ("Incumbent") insert ("or Incumbents"), and after ("Parish") insert ("or Parishes for which such "Burial Ground is provided"), and after ("or his") insert ("or their"), and after ("Curate") insert ("or Curates")

Line 16. After ("as") insert ("any")

Line 18. After ("to the") insert ("Decision of the Bishop or "Archbishop upon the Application for the")

Page 11.

Leave out Clause XXV.

Page 12.

Lines 30 and 31. Leave out ("or for any other Purpose "(except only Burials)")

Line 37. After ("Cemetery") insert ("Clause (A.)")

Resolution, &c. of Vestry not to be void by reason of Irregularity of Notice, &c.

CLAUSE (A.) No Resolution or Proceeding of any Vestry, or Meeting in the Nature of a Vestry, for the Purposes of the said recited Acts and this Act, or any of them, shall be void or voidable by reason of any Defect or Irregularity of or in Notice of such Vestry or Meeting, or any other Error in Form in the calling of such Vestry or Meeting, or in the Proceedings thereat, unless Notice in Writing of such Defect or Irregularity or Error shall have been given at such Vestry or Meeting, or within Seven Days after the Day of the holding thereof, to the Churchwardens or other Persons to whom it belongs to call Meetings of such Vestry, or such Meeting in the Nature of a Vestry, who shall thereupon call another Meeting for the Purpose of considering the previous Resolution or Proceeding or the Matter thereof; and no such Resolution and Proceeding made or taken at any such Vestry, or Meeting in the Nature of a Vestry, before the passing of this Act, which shall not have been objected to by Notice in Writing to such Churchwardens or Persons as aforesaid, shall be deemed invalid by reason of any such Defect, Irregularity, or Error.

LORDS AMENDMENTS

TO THE

BURIAL ACTS AMENDMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
18 *August* 1857.

[Bill 198.]

Under 1 *oz.*

(Scotland.)

A

BILL

TO

Amend "The Burial Grounds (Scotland) Act, 1855."

WHEREAS it is expedient to amend the Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Sixty-eight, intituled "An Act to amend the Laws concerning the Burial of the Dead in "Scotland:" Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 18 & 19 Vict. c. 68.

I. The Twenty-eighth Section of the said Act is hereby repealed. Section 28. of recited Act repealed.

II. The Commissioners for carrying into execution an Act of the Session of Parliament holden in the Fourteenth and Fifteenth Years of Her Majesty, Chapter Twenty-three, "to authorize for a further "Period the Advance of Money out of the Consolidated Fund, to a "limited Amount, for carrying on Public Works and Fisheries and "Employment of the Poor," and the several Acts therein recited, mentioned, or referred to, and the Act or Acts subsequently passed for amending, continuing, or extending the same, may from Time to Time make to the Parochial Board of any Parish for the Purposes of the said Burial Ground (Scotland) Act, 1855, any Loan under the Commissioners of Public Works may make Loans to Parochial Boards for the Purposes of Burial Ground (Scotland) Acts.

 Provisions

Provisions of the recited Act, or the several Acts therein recited or referred to, or subsequently passed for amending, continuing, or extending the same, upon Security of the Assessments authorized by the said Burial Grounds (Scotland) Act, 1855.

Burial Grounds (Scotland) Act (1855) Amendment.

A

B I L L

To amend "The Burial Grounds (Scotland) Act, 1855."

(Prepared and brought in by Mr. William Ewart and Mr. Kinnaird.)

Ordered, by The House of Commons, *to be Printed*, 31 *July* 1857.

Under 1 *oz.*

[Bill 172.]

A

BILL

RELATING TO

Burials in consecrated and unconsecrated Ground.

WHEREAS the Laws relating to Burial have given rise to much Discord amongst Her Majesty's Subjects, which it is desirable to put an end to: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. Every Clergyman of the United Church of England and Ireland shall be at liberty (any Law or Usage to the contrary notwithstanding) to bury a Body in the unconsecrated as well as consecrated Ground of any Parochial or Public Cemetery, and to use on such Burial the whole or such Portion only of the Burial Service contained in the Book of Common Prayer as he may deem to be suitable to the Occasion. Clergymen may bury in unconsecrated Ground.

II. Any Dissenting Minister shall be at liberty to bury a Body in the consecrated Ground of any Parochial or Public Cemetery, and to use such a Religious Service on such Burial as is used amongst the Religious Body to which such Dissenting Minister may belong; provided that in the Service so used there be nothing repugnant to the Burial Service contained in the Book of Common Prayer. Dissenting Ministers may bury in consecrated Ground.

Where no Fees for Burial to be claimed.

III. No Dissenting Minister burying a Body in consecrated Ground shall be entitled to receive the Fees to which a Clergyman might have been entitled had he buried such Body.

Boundary Walls not necessary between consecrated and unconsecrated Ground.

IV. It shall not be lawful to erect any Wall or Fence between the consecrated and unconsecrated Part of any Public Cemetery formed under the Provisions of an Act passed in the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-five, or an Act passed in the Sixteenth and Seventeenth Years of Her Majesty, Chapter One hundred and thirty-four, or of any other Act, but a Footway not less than Three Feet in Width shall be deemed a sufficient Separation between such consecrated and unconsecrated Parts.

Burials.

A

BILL

Relating to Burials in consecrated and unconsecrated Ground.

(*Prepared and brought in by Mr. Hardcastle and Mr. Hindley.*)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1857.

[Bill 43.]

Under 1 *oz.*

2 *July* 1857. 20 & 21 Vict.

A

BILL

TO

Amend the Acts relating to the Caledonian and Crinan Canals, and to make further Provision for the Accommodation of the Traffic thereon.

WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "An Act for incorporating the Commissioners of the "Caledonian Canal, and for vesting the Crinan Canal in the said "Commissioners:" And whereas the Number of Passengers and Cattle conveyed on the said Canals has very greatly increased, and it is necessary and expedient that additional Facilities and Accommodation should be afforded for landing and shipping Passengers and Cattle, by the Erection and Improvement of Piers and Jetties, and that further Provision should be made for the Regulation of the said Canals and of the Traffic thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 11 & 12 Vict. c. 54.

I. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Canals" shall Interpretation.

shall mean and include the whole Navigations of the Caledonian Canal and the Crinan Canal; and the Expression "the Commissioners" shall mean the Commissioners of the Caledonian Canal incorporated by the recited Act.

For defraying the Expense of Piers and Jetties.

II. It shall be lawful for the Commissioners, out of the Rates by this Act authorized to be levied, or of any Moneys to be borrowed by them on the Security thereof, or of any other Funds at their Disposal, to defray the Expense of erecting, improving, and maintaining such Piers, Jetties, or Landing Places as they may think it expedient to erect or improve on Lands belonging to the Commissioners, or on or in connection with the Canals or either of them.

Commissioners may levy Rates at Piers and Jetties.

III. From and after the *passing of this Act*, it shall be lawful for the Commissioners to levy and receive, at every Pier, Jetty, or Landing Place erected or to be erected or improved on Lands belonging to the Commissioners, or on or in connection with the Canals respectively, such Rates on Passengers, Animals, Goods, and Carriages landed or shipped at such Pier, Jetty, or Landing Place as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule hereunto annexed.

Commissioners may enter into Agreements for Erection of Piers and Jetties.

IV. It shall be lawful for the Commissioners from Time to Time to enter into Contracts and Agreements, on such Terms and Conditions as they shall think fit, with the Owners of any Lands through which the Canals pass, with respect to any Piers, Jetties, or Landing Places erected or to be erected by such Owners at their own Expense on or in connection with the Canals, and with respect to the Management and Maintenance of such Piers, Jetties, or Landing Places, and the levying and receiving of Rates thereat, not exceeding the Rates specified in the Schedule hereunto annexed.

Power to borrow Money.

V. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to borrow such Sums of Money as the Commissioners shall think necessary, not exceeding *Twenty thousand* Pounds, on the Security of the Canals or either of them, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to grant and execute Mortgages or Assignations of the Canals or either of them, and of the said Tolls and Rates, in Security of the Payment of the Money so borrowed and the Interest thereon.

Exchequer Loan Commissioners may lend Money

VI. It shall be lawful for the Commissioners for the Issue of Loans for Public Works, acting in the Execution of the Act Fifth and Sixth of Victoria Chapter Nine, and of any other Acts relating to the Public Works

Works Loan Fund, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to advance and lend to the Commissioners from Time to Time any Sums of Money not exceeding *Twenty thousand* Pounds, on the Security of the Canals or either of them, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to accept and take from the Commissioners Mortgages or Assignations of the said Canals or either of them, and of the said Tolls and Rates, in Security of the Payment of the Money so advanced and lent, and the Interest thereon: Provided, that the Moneys to be borrowed by the Commissioners under the Provisions of this Act from the said Commissioners for the Issue of Loans for Public Works, and from any other Person, Company, or Corporation, shall not in the whole exceed the Sum of *Twenty thousand* Pounds. to the Canal Commissioners.

VII. All Moneys borrowed by the Commissioners under the Provisions of this Act shall be applied by them in erecting or improving Piers, Jetties, or Landing Places on Land belonging to them or on or in connection with the Canals, and in otherwise providing additional Accommodation for the Traffic thereon. Application of borrowed Money.

VIII. It shall be lawful for the Commissioners to provide Steam Tugs, Horses, and Machinery for towing Vessels in the Firths or Entrances and Channels leading to the Canals, and for towing or tracking Vessels on the Canals and inland Lakes, and to fix and levy Rates for and in respect of the Use of such Steam Tugs, Horses, and Machinery, or, if they shall think fit, the Commissioners may license and authorize the Owners and Masters of Steam Tugs, and the Owners and Drivers of Horses, to tow Vessels in the said Firths and Channels, and to tow or track Vessels in the Canals and Lakes, at such Rates as may from Time to Time be fixed by the Commissioners, who shall make such Byelaws and Rules as they may deem expedient for the keeping and Use of such Steam Tugs, Horses, and Machinery, and the Regulation of the Owners, Masters, and Drivers or other Persons in charge of the same; and such Byelaws and Rules shall be published and enforced in the Manner provided by the Acts relating to the Canals. Commissioners may provide or license Steam Tugs and Horses for towing.

IX. It shall be lawful for the Commissioners to adopt all such Measures as may be necessary for preserving free from Obstruction the Channels leading to the Caledonian Canal within *Three* Miles from the several Entrances thereof, and from Time to Time to improve and deepen the said Channels by dredging or otherwise as they shall deem expedient. For preserving and improving Channels leading to Caledonian Canal.

X. Every Person who shall throw or put any Ballast, Earth, Ashes, Stones, or Rubbish into any of the Channels leading to the Ballast not to be thrown into Channels leading

to Caledonian Canal.

the Caledonian Canal within *Three* Miles of the several Entrances thereof shall for every such Offence be liable to a Penalty not exceeding *Five* Pounds.

Beacons and Buoys may be placed on the Caledonian Canal and Channels leading thereto.

XI. It shall be lawful for the Commissioners to erect Beacons and Seamarks and lay down Buoys for the Guidance of Vessels in or near to the Channels leading to the Caledonian Canal, within *Three* Miles of the Entrances thereof, and in or near to the inland Lakes forming Part of the Navigation of the said Canal: Provided, that no such Beacon or Seamark shall be erected in or near to the said Channels without the Sanction in Writing of the Commissioners of Northern Lights first had and obtained; and if any such Beacon or Seamark be erected with such Sanction as aforesaid, the same shall not be afterwards altered without the like Sanction; and every such Beacon or Seamark shall be from Time to Time discontinued or altered, as the said Commissioners of Northern Lights shall direct.

Penalty for injuring or removing Beacons or Buoys.

XII. Every Person who shall injure, displace, or remove any such Beacon, Seamark, or Buoy shall for every such Offence be liable to a Penalty not exceeding *Five* Pounds.

For Recovery of Rates and Penalties.

XIII. The Rates and Penalties by this Act authorized to be levied and imposed shall be levied and recovered in the same Manner as Rates and Penalties leviable under the Acts relating to the Canals respectively; and all the Enactments and Provisions contained in the said Acts with respect to the levying and Recovery of the Tolls, Rates, and Dues thereby authorized to be levied, and the Penalties thereby imposed, shall be applicable to the Rates and Penalties by this Act authorized to be levied and imposed, in the same Manner and as fully and effectually as if such Enactments and Provisions had been herein repeated and re-enacted.

SCHE-

SCHEDULE referred to in this Act.

RATES to be levied at Piers, Jetties, or Landing Places.

	£	*s.*	*d.*
Each Passenger	*0*	*0*	*2*
Sheep, Lambs, Goats, or Swine, per Score, *6d.*, or if under 10, each	*0*	*0*	*0½*
Each Bull, Cow, Bullock, or Heifer	*0*	*0*	*6*
Ditto, under Two Years old	*0*	*0*	*3*
Each Calf	*0*	*0*	*1*
Each Horse	*0*	*1*	*0*
Each Horse under 13 Hands, and each Mule or Ass	*0*	*0*	*6*
Each Cart, empty	*0*	*0*	*6*
Each Cart, loaded	*0*	*1*	*0*
Each Gig or Two-wheeled Carriage	*0*	*0*	*6*
Each Four-wheeled Coach or Carriage	*0*	*1*	*0*
Each Parcel or Package carried by a Porter	*0*	*0*	*1*
Each Wheelbarrow with Luggage	*0*	*0*	*2*
Each Two-wheeled Barrow or Truck with Luggage	*0*	*0*	*4*
Bark, per Ton	*0*	*1*	*0*
Birch or Alder Staves, per 1,000	*0*	*0*	*2*
Coals, per Ton	*0*	*0*	*2*
Grain, Meal, or Flour, per Bag or Barrel	*0*	*0*	*1*
Guano, Bones, and other Manures, per Ton	*0*	*0*	*6*
Lime, per Boll	*0*	*0*	*0½*
Potatoes, per Cwt.	*0*	*0*	*1*
Salt, per Ton	*0*	*0*	*2*
Slates, Bricks, and Tiles, per 100, *One Halfpenny*, or per 1,000	*0*	*0*	*3*
Spars, Rails, Pit Props, &c., per 500 running Feet	*0*	*0*	*2*
Stones and Iron, per Ton	*0*	*0*	*1*
Sugar, Herrings, Tar, or Butter, per Barrel	*0*	*0*	*2*
Timber, Planks, or Deals, per Load of 50 Feet	*0*	*0*	*1*
Wool, per Bag	*0*	*0*	*2*
Goods not otherwise enumerated, per Bag, Barrel, or Box	*0*	*0*	*2*

Caledonian and Crinan Canals.

A

BILL

To amend the Acts relating to the Caledonian and Crinan Canals, and to make further Provision for the Accommodation of the Traffic thereon.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 2 *July* 1857.

[Bill 101.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Acts relating to the Caledonian and Crinan Canals, and to make further Provision for the Accommodation of the Traffic thereon.

WHEREAS an Act was passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled "An Act for incorporating the Commissioners of the "Caledonian Canal, and for vesting the Crinan Canal in the said "Commissioners:" And whereas the Number of Passengers and Cattle conveyed on the said Canals has very greatly increased, and it is necessary and expedient that additional Facilities and Accommodation should be afforded for landing and shipping Passengers and Cattle, by the Erection and Improvement of Piers and Jetties, and that further Provision should be made for the Regulation of the said Canals and of the Traffic thereon: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 11 & 12 Vict. c. 54.

I. The following Expressions in this Act shall have the Meanings hereby assigned to them; that is to say, the Expression "the Canals" shall Interpretation.

shall mean and include the whole Navigations of the Caledonian Canal and the Crinan Canal; and the Expression "the Commissioners" shall mean the Commissioners of the Caledonian Canal incorporated by the recited Act.

For defraying the Expense of Piers and Jetties.

II. It shall be lawful for the Commissioners, out of the Rates by this Act authorized to be levied, or of any Moneys to be borrowed by them on the Security thereof, or of any other Funds at their Disposal, to defray the Expense of erecting, improving, and maintaining such Piers, Jetties, or Landing Places as they may think it expedient to erect or improve on Lands belonging to the Commissioners, or on or in connection with the Canals or either of them.

Commissioners may levy Rates at Piers and Jetties.

III. From and after the passing of this Act, it shall be lawful for the Commissioners to levy and receive, at every Pier, Jetty, or Landing Place erected or to be erected or improved on Lands belonging to the Commissioners, or on or in connection with the Canals respectively, such Rates on Passengers, Animals, Goods, and Carriages landed or shipped at such Pier, Jetty, or Landing Place as the Commissioners may from Time to Time deem expedient, not exceeding the Rates specified in the Schedule hereunto annexed.

Commissioners may enter into Agreements for Erection of Piers and Jetties.

IV. It shall be lawful for the Commissioners from Time to Time to enter into Contracts and Agreements, on such Terms and Conditions as they shall think fit, with the Owners of any Lands through which the Canals pass, with respect to any Piers, Jetties, or Landing Places erected or to be erected by such Owners at their own Expense on or in connection with the Canals, and with respect to the Management and Maintenance of such Piers, Jetties, or Landing Places, and the levying and receiving of Rates thereat, not exceeding the Rates specified in the Schedule hereunto annexed.

Power to borrow Money.

V. It shall be lawful for the Commissioners, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to borrow such Sums of Money as the Commissioners shall think necessary, not exceeding Twenty thousand Pounds, on the Security of the Canals respectively, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to grant and execute Mortgages or Assignations of the Canals respectively, and of the said Tolls and Rates, in Security of the Payment of the Money so borrowed and the Interest thereon.

Exchequer Loan Commissioners may lend Money

VI. It shall be lawful for the Commissioners for the Issue of Loans for Public Works, acting in the Execution of the Act Fifth and Sixth of Victoria Chapter Nine, and of any other Acts relating to the Public Works

Works Loan Fund, with the Consent in Writing of the Commissioners of Her Majesty's Treasury for the Time being, to advance and lend to the Commissioners from Time to Time any Sums of Money not exceeding Twenty thousand Pounds, on the Security of the Canals respectively, and the Tolls and Rates leviable under this Act and the several other Acts relating thereto, and to accept and take from the Commissioners Mortgages or Assignations of the said Canals respectively, and of the said Tolls and Rates, in Security of the Payment of the Money so advanced and lent, and the Interest thereon: Provided, that the Moneys to be borrowed by the Commissioners under the Provisions of this Act from the said Commissioners for the Issue of Loans for Public Works, and from any other Person, Company, or Corporation, shall not in the whole exceed the Sum of Twenty thousand Pounds. to the Canal Commissioners.

VII. All Moneys borrowed by the Commissioners under the Provisions of this Act shall be applied by them in erecting or improving Piers, Jetties, or Landing Places on Land belonging to them or on or in connection with the Canals respectively, and in otherwise providing additional Accommodation for the Traffic thereon. Application of borrowed Money.

CLAUSE A.

VIII. All Rates levied and all Moneys borrowed under the Authority of this Act shall be applied and expended on or in connection with the Canal on which such Rates shall be levied and for which such Money shall be borrowed; and the Mortgages or Assignations to be granted by the Commissioners shall only extend to the Canal for which such Moneys shall be borrowed. Application of Rates and borrowed Moneys.

IX. It shall be lawful for the Commissioners to provide Steam Tugs, Horses, and Machinery for towing Vessels in the Firths or Entrances and Channels leading to the Canals, and for towing or tracking Vessels on the Canals and inland Lakes, and to fix and levy Rates for and in respect of the Use of such Steam Tugs, Horses, and Machinery, or, if they shall think fit, the Commissioners may license and authorize the Owners and Masters of Steam Tugs, and the Owners and Drivers of Horses, to tow Vessels in the said Firths and Channels, and to tow or track Vessels in the Canals and Lakes, at such Rates as may from Time to Time be fixed by the Commissioners, who shall make such Byelaws and Rules as they may deem expedient for the keeping and Use of such Steam Tugs, Horses, and Machinery, and the Regulation of the Owners, Masters, and Drivers or other Persons in charge of the same; and such Byelaws and Rules shall be published and enforced in the Manner provided by the Acts relating to the Canals. Commissioners may provide or license Steam Tugs and Horses for towing.

X. It shall be lawful for the Commissioners to adopt all such Measures as may be necessary for preserving free from Obstruction the For preserving and improving Channels

leading to Caledonian Canal.

the Channels leading to the Caledonian Canal within Three Miles from the several Entrances thereof, and from Time to Time to improve and deepen the said Channels by dredging or otherwise as they shall deem expedient.

Ballast not to be thrown into Channels leading to Caledonian Canal.

XI. Every Person who shall throw or put any Ballast, Earth, Ashes, Stones, or Rubbish into any of the Channels leading to the Caledonian Canal within Three Miles of the several Entrances thereof shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Beacons and Buoys may be placed on the Caledonian Canal and Channels leading thereto.

XII. It shall be lawful for the Commissioners to erect Beacons and Seamarks and lay down Buoys for the Guidance of Vessels in or near to the Channels leading to the Caledonian Canal, within Three Miles of the Entrances thereof, and in or near to the inland Lakes forming Part of the Navigation of the said Canal: Provided, that no such Beacon or Seamark shall be erected in or near to the said Channels without the Sanction in Writing of the Commissioners of Northern Lights first had and obtained; and if any such Beacon or Seamark be erected with such Sanction as aforesaid, the same shall not be afterwards altered without the like Sanction; and every such Beacon or Seamark shall be from Time to Time discontinued or altered, as the said Commissioners of Northern Lights shall direct.

Penalty for injuring or removing Beacons or Buoys.

XIII. Every Person who shall injure, displace, or remove any such Beacon, Seamark, or Buoy shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

For Recovery of Rates and Penalties.

XIV. The Rates and Penalties by this Act authorized to be [illegible] and imposed shall be levied and recovered in the same Manner as Rates and Penalties leviable under the Acts relating to the Canals respectively; and all the Enactments and Provisions cont ed in the said Acts with respect to the levying and Recovery [illegible] the Tolls, Rates, and Dues thereby authorized to be levied, and the Penalties thereby imposed, shall be applicable to the Rates and Penalties by this Act authorized to be levied and imposed, in the same Manner and as fully and effectually as if such Enactments and Provisions had been herein repeated and re-enacted.

SCHE-

SCHEDULE referred to in this Act.

RATES to be levied at Piers, Jetties, or Landing Places.

	£	*s.*	*d.*
Each Passenger	0	0	2
Sheep, Lambs, Goats, or Swine, per Score, 6*d.*, or if under 10, each	0	0	0½
Each Bull, Cow, Bullock, or Heifer	0	0	6
Ditto, under Two Years old	0	0	3
Each Calf	0	0	1
Each Horse	0	1	0
Each Horse under 13 Hands, and each Mule or Ass	0	0	6
Each Cart, empty	0	0	6
Each Cart, loaded	0	1	0
Each Gig or Two-wheeled Carriage	0	0	6
Each Four-wheeled Coach or Carriage	0	1	0
Each Parcel or Package carried by a Porter	0	0	1
Each Wheelbarrow with Luggage	0	0	2
Each Two-wheeled Barrow or Truck with Luggage	0	0	4
Bark, per Ton	0	1	0
Birch or Alder Staves, per 1,000	0	0	2
Coals, per Ton	0	0	2
Grain, Meal, or Flour, per Bag or Barrel	0	0	1
Bones, and other Manures, per Ton	0	0	6
Lime, per Boll	0	0	0¼
Potatoes, per Cwt.	0	0	1
Salt, per Ton	0	0	2
Slates, Bricks and Tiles, per 100, One Halfpenny, or per 1,000	0	0	3
Spars, Rails, Pit Props, &c., per 500 running Feet	0	0	2
Stones and Iron, per Ton	0	0	1
Sugar, Herrings, Tar, or Butter, per Barrel	0	0	2
Timber, Planks, or Deals, per Load of 50 Feet	0	0	1
Wool, per Bag	0	0	2
Goods not otherwise enumerated, per Bag, Barrel, or Box	0	0	2

Caledonian and Crinan Canals.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Acts relating to the Caledonian and Crinan Canals, and to make further Provision for the Accommodation of the Traffic thereon.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 17 *July* 1857.

[Bill 135.]

Under 1 *oz.*

A

BILL

TO

Explain an Act for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick.

Preamble. 14 & 15 Vict. c. 63.

WHEREAS by an Act passed in the Fifteenth Year of the Reign of Her Majesty, intituled "An Act for the Settlement of the Boundaries of the Provinces of Canada and "New Brunswick," it is provided that New Brunswick shall be bounded as is mentioned in a certain Award made by Stephen Lushington, Judge of the Admiralty Court, and Travers Twiss, Doctor of Laws, which Award as recited in the said Act declares (among other things) that New Brunswick shall be bounded from a meridional Line therein described along the Forty-eighth Parallel of Latitude "to the Mistouche River, and thence down the Centre of "that Stream to the Restigouche, the Islands in the said River "Mistouche and Restigouche to the Mouth of the latter River at "Dalhousie being given to New Brunswick:" And whereas certain Doubts have arisen respecting the true Meaning of the said Award in the Parts above recited: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

I. That

"River Mistouche" defined.

I. That the River named in the said Award the "River Mistouche" shall be taken to be the Stream which crosses the Forty-eighth Parallel of Latitude, and from thence flows into the Restigouche, and which Stream is otherwise called the "Patapedia."

Canada and New Brunswick Boundaries.

A

BILL

To explain an Act for the Settlement of the Boundaries between the Provinces of Canada and New Brunswick.

(Prepared and brought in by Mr. Secretary Labouchere and Mr. Chichester Fortescue.)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1857.

[Bill 132.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.

WHEREAS by "The Charitable Trusts Act, 1853," it was provided that that Act should not, for the Period of Two Years from the passing thereof, extend or be in any Manner applied to Charities or Institutions the Funds or Income of which were applicable exclusively for the Benefit of Persons of the Roman Catholic Persuasion, and which were under the Superintendence or Control of Persons of that Persuasion: And whereas by "The Charitable Trusts Amendment Act, 1855," such Charities or Institutions as aforesaid were exempted in like Manner from the Operation of the said Amendment Act, and the Exemption so extended was continued until the First Day of September One thousand eight hundred and fifty-six, and has since been extended to the First Day of September One thousand eight hundred and fifty-seven: And whereas it is expedient that such Exemption should be continued as herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 16 & 17 Vict. c. 137. 18 & 19 Vict. c. 124. 19 & 20 Vict. c. 76.

 I. That

Exemption continued until 1st September 1858.

I. That the said Acts shall not, until the First Day of September One thousand eight hundred and fifty-eight, extend or be in any Manner applied to the Charities or Institutions aforesaid.

Charitable Trusts Acts Continuance.

A

B I L L

INTITULED

An Act further to continue for a limited Time the Exemption of certain Charities from the Operation of the Charitable Trusts Acts.

(*Brought from the Lords* 11 *August* 1857.)

Ordered, by The House of Commons, *to be Printed,* 11 *August* 1857.

[Bill 185.]

Under 1 *oz.*

Charitable Uses Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 9 G. 2 c. 36. and 9 G. 4. c. 85.

No past or future Deed, &c. for Charitable Uses upon valuable Consideration to be void if enrolled in Chancery; Sect. 1.

No past Deed, &c. for Charitable Uses not upon valuable Consideration to be void by reason of not being indented, or of Non-compliance with the Formalities in 9 G. 2. c. 36., or of specified Stipulations for the Donor's Benefit, or (as to Copyholds) for Want of Deed, if Deed, &c. be enrolled, &c.; 2.

No future Deed, &c. for Charitable Uses not upon valuable Consideration to be void by reason of not being indented, or of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed; 3.

Where Charitable Uses of any past Deed, &c. not enrolled are declared by any other Deed, &c., Enrolment of such other Deed, &c. sufficient. Where neither is enrolled, Enrolment of such other Deed, &c., requisite; 4.

Where Charitable Uses of any future Deed, &c. declared by any other Deed, &c., Enrolment of such other Deed, &c. requisite; 5.

Act not to invalidate certain Deeds, nor to extend to Deeds, &c. already avoided, or to pending Suits. When Acknowledgment not necessary; 6.

Hereditaments conveyed to Trustees for Charitable Uses to vest in Successors of original Trustees duly appointed; 7.

Providing for Payments in lieu of Fines, &c. as to Copyholds; 8.

Providing that such substituted Payments shall be equivalent to an Admission for Purposes of Enfranchisement; 9.

The last Three preceding Sections not to affect Property within the 13th and 14th Vict. c. 28.; 10.

Act not to extend to Scotland or Ireland; nor to prejudice the Two Universities, or the Colleges of Eton, Winchester, or Westminster; 11.

A

B I L L

TO

Amend the Law relating to the Conveyance of Lands for Charitable Uses.

WHEREAS by an Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, and intituled "An Act to restrain the Disposition of Lands, "whereby the same become unalienable," it was amongst other Things enacted, that no Lands or other Hereditaments should be anyways conveyed or settled for Charitable Uses unless such Conveyance or Settlement were made by Deed indented and enrolled, and otherwise in the Manner or Form by the said Act directed or appointed: And whereas by another Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, and intituled "An Act for remedying a Defect in the Titles of Lands "purchased for Charitable Purposes," it was enacted, that where any Lands, Tenements, or Hereditaments had been purchased for a full and valuable Consideration for Charitable Uses, and such Consideration had been actually paid, every Deed or other Assurance then already made for the Purpose of conveying or assuring the same should (subject as in the now reciting Act mentioned) be as good and valid in all respects as if the several Formalities by the said first-recited Act prescribed had been duly observed and performed: And whereas by reason of the Provisions contained in the first-

Preamble.

9 G. 2. c. 36.

9 G. 4. c. 85.

recited Act Doubts have arisen whether it is possible to make any good or valid Assurance for Charitable Uses of any Hereditaments of Copyhold or Customary Tenure: And whereas it is expedient to make Provision for further remedying Defects and obviating Difficulties, and as to Enrolment in regard to Deeds and Assurances of Hereditaments conveyed for Charitable Uses, in manner herein-after provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

No past or future Deed, &c. for Charitable Uses upon valuable Consideration to be void if enrolled in Chancery.

I. No Deed or Assurance heretofore made, and under which Possession is now held for any Charitable Uses, and no Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, made respectively upon a full and valuable Consideration actually paid at or before the making or perfecting such Deed or Assurance, or reserved by way of Rent, Rentcharge, or other annual Payment, or partly paid at or before the making or perfecting such Deed or Assurance, and partly reserved as aforesaid, without Fraud or Collusion, shall be deemed to be null and void within the Meaning of the first-recited Act if such Deed or Assurance has been or shall be made to take effect in possession for the Charitable Use intended immediately from the making thereof, and without any Power of Revocation, and has been at any Time prior to the *passing of this Act*, or shall be within *Twelve* Calendar Months next after the passing of this Act, or within *Six* Calendar Months next after the making or perfecting such Deed or Assurance enrolled in Her Majesty's High Court of Chancery.

No past Deed, &c. for Charitable Uses not upon valuable Consideration to be void by reason of not being indented, or of Noncompliance with the Formalities in 9 G. 2. c. 36, or of specified Stipulations for the Donor's Benefit, or (as to Copyholds)

II. No Deed or Assurance heretofore made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration as in the First Section of this Act is mentioned, and under which Possession is now held, for any Charitable Uses, shall be deemed to be null and void within the Meaning of the first-recited Act, by reason of such Deed or Assurance not having been indented, or not purporting to be indented, nor by reason of such Deed or Assurance not having been sealed and delivered in the Presence of Two or more credible Witnesses, nor by reason of such Deed or Assurance not having been enrolled in Her Majesty's High Court of Chancery within *Six* Calendar Months next after the Execution thereof, nor by reason of such Deed or Assurance, or any Deed forming part of the same Transaction, containing any Grant or Reservation of any Peppercorn or other nominal Rent, Mines or Minerals, or Easement, or any Covenants

Covenants or Provisions as to the Erection, Repair, Position, or Description of Buildings, the Formation or Repair of Streets or Roads, Drainage or Nuisances, or any Covenants or Provisions of the like Nature for the Use and Enjoyment as well of the Hereditaments comprised in such Deed or Assurance as of any other adjacent or neighbouring Hereditaments of the Donor or Grantor, or of any Person or Persons claiming under him, not comprised in such Deed or Assurance, or any Right of Entry on Nonpayment of any such Rent, or Breach of any such Covenant or Provision, or any Covenant indemnifying the Donor or Grantor against any prior Incumbrance, or any Stipulations of the like Nature for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, nor (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein) by reason of the same not having been made by Deed, if such Deed or Assurance has been at any Time prior to the *passing of this Act*, or shall be within *Twelve* Calendar Months next after the passing of this Act, enrolled in Her Majesty's High Court of Chancery.

for Want of Deed, if Deed, &c. be enrolled, &c.

III. No Deed or Assurance hereafter to be made for any Charitable Uses whatsoever of any Hereditaments of any Tenure whatsoever, or of any Estate or Interest therein, not upon such full and valuable Consideration, as in the First Section of this Act is mentioned, shall be deemed to be null and void within the Meaning of the first-recited Act, by reason of such Deed or Assurance, not being indented or not purporting to be indented, nor by reason of such Deed or Assurance, or any Deed forming Part of the same Transaction, containing any such Grant, Reservation, Covenants, Provisions, Right of Entry, or Stipulations for the Benefit of the Donor or Grantor, or of any Person or Persons claiming under him, as in the Second Section of this Act is mentioned, nor (in the Case of any such Assurance of Hereditaments of Copyhold or Customary Tenure, or of any Estate or Interest therein) by reason of the same not being made by Deed.

No future Deed, &c. for Charitable Uses not upon valuable Consideration to be void by reason of not being indented, or of specified Stipulations for Donor's Benefit, or (as to Copyholds) for Want of Deed, if Deed, &c. be enrolled, &c.

IV. In all Cases where the Charitable Uses of any Deed or Assurance heretofore made for Conveyance of any Hereditaments for any Charitable Uses, and under which Possession is now held for such Uses, have been declared by any other Deed or Instrument, and such Deed or Assurance for Conveyance has not been enrolled in Her Majesty's High Court of Chancery prior to the *passing of this Act*, but such other Deed or Instrument has been so enrolled, such Enrolment shall be deemed and treated for all Purposes of the first-recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid; but if neither of such Deeds nor such Instrument has been

Where Charitable Uses of any past Deed, &c. not enrolled are declared by any other Deed, &c., Enrolment of such other Deed, &c. sufficient; where neither is enrolled, Enrolment of

such other Deed, &c. requisite.

so enrolled, then it shall not be necessary for the Purposes of the first-recited Act or of this Act to enrol such Deed or Assurance for Conveyance, but every such Deed or Assurance for Conveyance shall nevertheless be absolutely and to all Intents and Purposes null and void, unless such other Deed or Instrument shall within *Twelve* Calendar Months next after the passing of this Act be so enrolled, and such Enrolment as last aforesaid shall be deemed and treated, for all Purposes of the first-recited Act and of this Act, as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Where Charitable Uses of any future Deed, &c. declared by any other Deed, &c., Enrolment of such other Deed, &c. requisite.

V. In all Cases where the Charitable Uses of any Deed or Assurance hereafter to be made for Conveyance of any Hereditaments for any Charitable Uses shall be declared by any other Deed or Instrument, it shall not be necessary for the Purposes of the first-recited Act or of this Act to enrol such Deed or Assurance for Conveyance, but every such Deed or Assurance for Conveyance shall nevertheless be absolutely and to all Intents and Purposes null and void, unless such other Deed or Instrument shall within *Six* Calendar Months next after the making or perfecting of such Deed or Assurance for Conveyance be enrolled in Her Majesty's High Court of Chancery, and such Enrolment as last aforesaid shall be deemed and treated for all Purposes of the first recited Act and of this Act as if such Deed or Assurance for Conveyance had declared such Charitable Uses, and had been so enrolled as last aforesaid.

Act not to invalidate certain Deeds, nor to extend to Deeds, &c. already avoided, or to pending Suits.

VI. Nothing in this Act contained shall extend to render null and void any Deed already good and valid by virtue of the secondly-recited Act, or to give effect to any Deed or Assurance heretofore made, so far as such Deed or Assurance has already been avoided by any Suit at Law or in Equity, or by any other legal or equitable Means whatsoever, or to affect or prejudice any Suit at Law or in Equity actually commenced for avoiding any such Deed or Assurance, or for defeating the Charitable Uses in trust or for the Benefit of which such Deed or Assurance has been made; and no Deed, Assurance, or Instrument *Thirty* Years old, nor any Deed, Assurance, or Instrument heretofore executed, as to which it shall be proved to the Satisfaction of the Clerk of Enrolments in Chancery that the Acknowledgment thereof by the Grantor of the Lands or Hereditaments to which the same relates cannot be obtained within *Twelve* Calendar Months after the passing of this Act, shall, for the Purposes of the first-recited Act or of this Act, require Acknowledgment prior to Enrolement.

When Acknowledgment not necessary.

Hereditaments conveyed to

VII. Whenever any Hereditaments of any Tenure whatsoever, or any Estate or Interest therein, except as herein-after mentioned, have

have or has been or hereafter shall be conveyed or assured for any Charitable Uses whatsoever to or in favour of any Trustees or Trustees for such Charitable Uses, the original Deed or Assurance shall vest the Hereditaments, Estate, or Interest thereby conveyed or assured, not only in the original Trustees or Trustee, but also in their or his Successors in trust for the Time being duly appointed; and the Deed, Document, or Order of Court by which such Successors in trust shall be appointed may be given and shall be received in Evidence in all Courts and Proceedings, and shall be Evidence of the Truth of the several Matters and Things therein stated.

Trustees for Charitable Uses to vest in Successors of original Trustees duly appointed.

VIII. When any Hereditaments of Copyhold or Customary Tenure, or any Estate or Interest therein (except as herein-after mentioned), have or has been or hereafter shall be conveyed or assured for any Charitable Uses whatsoever, it shall be lawful for the Lord of the Manor of whom such Hereditaments are or shall be holden, to receive and take, at the Time of the First Appointment next after the passing of this Act, of a Trustee or Trustees of such Hereditaments, Estate, or Interest, such Sum or Sums of Money as shall be equal to the Fines, Heriots, or other Payments, if any, which would have become payable at the Time of such next Appointment, if this Act had not been passed; and also to receive and take, at the Expiration of every Period of *Forty* Years after the Time of such next Appointment, so long as such Hereditaments, Estate, or Interest shall continue devoted to Charitable Uses, such Sum or Sums of Money as shall be equal to the Fines, Heriots, or other Payments, if any, which would have become payable by Law on the fresh Appointment of the whole Number of Trustees, if this Act had not been passed; and such Sum or Sums of Money shall be in full of all such Fines, Heriots, and other Payments as herein-before mentioned; and the Lord of such Manor as aforesaid shall have all such Powers for the Recovery of the Sum or Sums of Money hereby made payable as he would have had in relation to such Fines, Heriots, and other Payments as aforesaid if this Act had not been passed; and upon due Payment of the Sum or Sums of Money hereby made payable, a Statement or Memorial of every Appointment of a new Trustee or of new Trustees of such Hereditaments, Estate, or Interest as aforesaid shall, at the Costs of the Charity Estate, be entered by the Steward of such Manor as aforesaid upon the Rolls thereof.

Providing for Payments in lieu of Fines, &c. as to Copyholds.

IX. Any Payment to be made to a Lord of a Manor of a Sum of Money under the Provisions of this Act shall, for all Purposes of Enfranchisement under the Provisions of the Copyhold Acts, be considered to be an Admittance to the Hereditaments, Estate, and Interest in respect whereof such Payment shall be made.

For Purposes of Enfranchisement Payments to have same Force as Admittance.

The last Three preceding Sections not to affect Property within 13 & 14 Vict. c. 28.

X. Nothing in the last Three preceding Sections of this Act shall extend to any Property subject to the Provisions of the Act of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Twenty-eight, "to render more simple and effectual the Titles by which "Congregations or Societies for Purposes of Religious Worship or "Education in England and Ireland hold Property for such Purposes."

Act not to extend to Scotland or Ireland, nor to prejudice the Two Universities, or the Colleges of Eton, Winchester, or Westminster.

XI. Nothing in this Act contained shall extend or be construed to extend to the Disposition, Grant, or Settlement of any Property or Estate lying or being in Scotland or in Ireland; nor to make void any Dispositions made or to be made to or in trust for either of the Two Universities, or any of the Colleges or Houses of Learning within either of such Universities, in the first-recited Act mentioned, or to or in trust for the Colleges of Eton, Winchester, or Westminster, or any or either of them, for the better Support and Maintenance of Scholars only upon the Foundation of the said Colleges of Eton, Winchester, and Westminster.

Charitable Uses.

A

B I L L

To amend the Law relating to the Conveyance of Lands for Charitable Uses.

(Prepared and brought in by Mr. Atherton, Mr. Malins, and Mr. Hadfield.)

Ordered, by The House of Commons, *to be Printed,* 9 *June* 1857.

[Bill 57.]

Under 1 *oz.*

A

B I L L

FOR

Enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.

WHEREAS it is expedient, for the Purposes of the Public Service, that the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland be authorized to purchase and hold additional Lands in the Parish of Chatham in the County of Kent, and from Time to Time to sell, exchange, dispose of, or demise such Lands as Occasion may require; and for the more convenient Occupation thereof that the Commissioners have Power to stop up, divert, or alter certain Ways in the same Parish: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Chatham Lands Purchase Act, 1857."

Incorporation of 8 & 9 Vict. c. 18.

II. The Lands Clauses Consolidation Act, 1845, save and except such Parts as and so far only as such Parts relate to Compensation for any Damage or Injury to or injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections Fifteen, Sixteen, Seventeen, Sixty-seven, Sixty-eight, One hundred and twenty-three, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation.

III. In the Construction of this Act, and of the Act herewith incorporated, so far as it relates to the Purposes of this Act, unless there be something in the Context repugnant to such Construction,

The Word "Ways" shall mean Turnpike Roads, Highways, Streets, Lanes, Occupation Roads or Ways, Bridleways, Footpaths, Causeways, Passages, and other Ways of every Kind whatsoever:

"The Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of Great Britain and Ireland:

"The Commissioners" shall mean the Commissioners for the Time being for executing the Office of "The Lord High Admiral," when the Office of the Lord High Admiral shall be executed by Commissioners, and the Lord High Admiral for the Time being, whenever Her Majesty, Her Heirs or Successors, shall have appointed a Lord High Admiral:

"Special Act" in the Act herewith incorporated shall mean this Act:

The Expression "Promoters of the Undertaking" in the Act herewith incorporated shall mean "the Commissioners:"

The Word "Company" in the Act herewith incorporated shall mean "the Commissioners:"

The Word "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure, and all public and private Rights, Liberties, Appurtenances,

Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments.

Commissioners may purchase Lands.

IV. It shall be lawful for the Commissioners, subject to the Provisions of this Act, to purchase, take, and hold all or any of the Lands mentioned in the Schedule to this Act, and that although the same Lands, or the Description or Boundaries thereof or of any Part thereof, or the Names of the Owners, Lessees, or Occupiers thereof respectively, or of any of them, may happen to be erroneously stated in or omitted from the said Schedule, in case it shall appear to and be certified by any Two Justices under their Hands that such erroneous Statement or Omission was not wilful.

Lands to be held in trust for Her Majesty.

V. All Lands purchased or in any Manner acquired by the Commissioners under the Authority of this Act shall be and become vested in the Commissioners for the Time being, and in their Successors in Office from Time to Time, to be held and enjoyed by the Commissioners for the Time being in succession, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Instead of Bond required by 8 & 9 Vict. c. 18., Commissioners may give Undertaking.

VI. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Act incorporated herewith, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition to such Bond to be done and performed; and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections.

Costs of Arbitration where Compensation settled by Surveyor.

VII. When, under the Provisions of Section Fifty-nine of the Act incorporated herewith, Compensation shall have been determined by a Surveyor, and the Question of such Compensation shall afterwards be submitted to Arbitration, if a greater Sum than that determined by the Surveyor shall be awarded the Expenses of and incident to such Arbitration shall be borne by the Commissioners; and if the Sum awarded shall be less than the Sum determined by the Surveyor, then the Costs of and incident to such Arbitration shall be borne by the Owner, and shall be ordered to be and shall be repaid to the Commissioners out of the Amount deposited in the Bank; and if the said Sum be insufficient to, the Amount of the Deficiency may be recovered by the Commissioners from the Owner in any Court of Record in an Action of Debt; and if the Sum awarded shall be the same as determined by the Surveyor, then the Commissioners and

the Owner shall respectively bear and pay their own Costs and One Half of the Expenses of the Arbitration.

Powers to apply to Purchases already made.

VIII. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned in the said Schedule shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the Provisions of this Act.

Notices by Commissioners.

IX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty.

Notices, &c. to the Commissioners.

X. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty, by being left at or transmitted through the Post to the Admiralty at Whitehall.

Lands to continue liable to Land Tax.

XI. All Lands purchased under the Authority of this Act which may be charged with the Land Tax shall continue liable thereto, as they would have been had such Lands not been so purchased.

Commissioners may stop up and divert Ways, &c.

XII. It shall be lawful for the Commissioners, by Order in Writing under their Hands, to stop up, divert, or alter all or any of the Ways, Sewers, Drains, and Pipes on, near to, under, through, or over any of the Lands required for the Purposes of this Act, they the said Commissioners making, opening, or laying down another sufficient Way, Sewer, Drain, or Pipe, when requisite, in lieu of the One stopped up, diverted, or altered; and the Site and Soil of all such Ways, Sewers, Drains, and Pipes shall, on the same being so stopped up, diverted, or altered, be vested in the Commissioners, in manner herein-before provided with respect to Lands purchased by them.

Soil of Ways, &c. to vest in Commissioners.

Soil of substituted Ways, &c. to vest in Persons in whom Ways, &c. stopped up vested.

XIII. Upon any such substituted Way, Sewer, or Pipe being completed, the Site and Soil thereof shall vest in the same Persons, for the same Estate and Interest only, as the Site and Soil of the Way, Sewer, Drain, or Pipe stopped up, diverted, or altered was vested in at the Time the same was so stopped up, diverted, or altered.

Other public Drains, &c. to be made in lieu of any stopped up.

XIV. If it shall be deemed necessary to stop up, divert, or alter any Way under or through which any Public Drain or Sewer, or Main Pipe for the Conveyance of Gas or Water, shall pass or be laid, the Commissioners,

Commissioners, previously to any such Drain, Sewer, or Pipe being disturbed or injured, shall cause another good and sufficient Drain or Sewer to be made, and other good and sufficient Pipe or Pipes for the Conveyance of Gas or Water, as the Case may be, to be laid down.

Substituted Ways, &c. to be repaired by Commissioners for Twelve Months.

XV. Every Way, Drain, Sewer, and Pipe which shall be so substituted by the Commissioners shall be kept in repair and maintained by the Commissioners for *Twelve* Calendar Months from the Time when the same shall be opened or shall be begun to be used.

After Twelve Months, by Persons liable to repair the old Ways, &c.

XVI. After the Expiration of such *Twelve* Calendar Months, every such substituted Way, Drain, Sewer, and Pipe shall be repaired and maintained by and at the Cost of the Persons who were previously liable to repair and maintain the Way, Drain, Sewer, or Pipe in lieu of which such substituted Way, Drain, Sewer, or Pipe shall have been made.

Commissioners may sell Lands.

XVII. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the Lands from Time to Time purchased or acquired under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary.

Lands obtained on Exchange to vest in Commissioners.

XVIII. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts, and with the like Powers in all respects, as are hereby declared as to Lands hereby authorized to be purchased.

Monies received on Sale to be paid to Paymaster General.

XIX The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium, for any Lease of any Lands which shall be sold, let, exchanged, or conveyed, under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid), shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates &c.

XX. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid,

aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Conveyances, &c. exempt from Stamp Duty.

XXI. All Conveyances, Assurances, Agreements, Receipts for Money, and other Documents whatsoever, made or given under or in pursuance of this Act, shall be exempt from all Stamp Duties.

Powers to be exercised by Two Commissioners or by Lord High Admiral.

XXII. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any *Two* of them at any Time when the Office of the Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving of Rights of Her Majesty.

XXIII. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceedings, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever, in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Action, Suit, or other Proceeding were vested immediately in Her Majesty, Her Heirs or Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Action, Suit, or other Proceeding.

Protection of Commissioners personally.

XXIV. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed

agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

The SCHEDULE to the foregoing Act.

The Property herein-after described is bounded as follows; that is to say, on the North by the present Royal Marine Barracks, on the West by the Gun Wharf belonging to the War Department, on the South by the Churchyard of St. Mary's Church there, and on the East by the Queen's Highway or Road leading from the Town of Chatham to Brompton in the County of Kent.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent.	1	A Messuage or Tenement and Dwelling House called the Navy and Army Hotel, Outbuildings, Yards, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.
	2	Passage Way and Yard.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover, Edward Winch.	Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, James Grover, and Charles Cheeseman Croft.
	3	A Messuage, Tenement, or Dwelling House, Shop, Warehouse, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover -	James Grover and Charles Cheeseman Croft.
	4	Dwelling House, Yard, Garden, and Premises.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	5	A Messuage, Tenement, or Dwelling House, Yard, Garden, and Premises, called the Queen's Head Public House.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell.
	6	Passage, Yard, and Outbuilding.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	7	Passage, Yard, and Well of Water.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	Edward Winch, John Connell.	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	8	Dwelling House, Yard, Garden, and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	9	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, John Miller, and Benjamin Surrel.
	10	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Edward Payne and Edwar d Mackay.
	11	Lean-to Wash-house and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	12	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Taylor and William Mordell.
	13	Shed and Out-building.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	14	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	William Brigden.
	15	Passage or Entrance Way, Yard, and Out-buildings.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	16	Tenement or Stable	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	17	Dwelling House used as a Beer Shop, called the Royal Marine, with a Shed, Yard, and Premises.	John Lock - -	Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, and Charles Buxton.	Robert Bailey.
	18	Dwelling House and Premises.	Humphrey Wickham -	- - -	Henry Wright and Miles Marney.
	19	Dwelling House and Premises.	Humphrey Wickham -	- - -	William Banks, James Palmer, and William Hogden.
	20	Covered Passage, Yard, Outbuildings, Passages, and Well of Water.	Humphrey Wickham -	- - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, and Frank Lynch.
	20 *b*	Passage-way -	Humphrey Wickham and Sarah Rimington.	- - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, James Grant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and Frank Lynch.
	21	Dwelling House, Yard, Garden, and Premises.	Humphrey Wickham -	- - -	John Campbell, George Dyer, and Joseph Kirkland.
	22	Stable and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover.	James Grover.
	23	Coach-houses, Stables, Shed, Outbuildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent. (*continued*).	24	A Messuage or Tenement used as a Public House, called the Red Lion, Fowl-house, Out-buildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan -	John Swan.
	24 *b*	Open Yard -	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan and Frederick Manser.	John Swan and Frederick Manser.
	25	Dwelling House, Yard, and Premises.	Humphrey Wickham -	- - -	Henry Camp.
	26	Dwelling House and Premises.	Humphrey Wickham -	- - -	James Kelly and John Kelly.
	27	Dwelling House and Premises.	Humphrey Wickham -	- - -	Elizabeth Tennant, James O'Neil, Maria Money, and Kate Morrison.
	28	Passage, Yard, and Outbuilding.	Humphrey Wickham -	- - -	Elizabeth Tennant, James, O'Neil, Maria Money, Kate Morrison, Henry Camp, James Kelby, and John Kelly.
	29	Dwelling House, Yard, Garden, Outbuilding, and Premises.	Samuel William Brooks -	- - -	Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, and John Waylin.
	30	Dwelling House, Yard, and Premises.	Samuel William Brooks -	Edward Gooddy	Edward Goody.
	31	Dwelling House, Yard, and Premises.	Samuel William Brooks -	Edward Gooddy	William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	32	Yard, Garden, Out-buildings, and Premises.	Samuel William Brooks -	Edward Gooddy	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	33	Covered Passage-way.	Samuel William Brooks and Sarah Rimington.	Edward Gooddy	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, Henry Pattison, Robert Howard, William Smith, James Gant, Samuel Jacob, and Thomas Rigby.
	34	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington - -	- - -	James Gant, Samuel Jacob, and Thomas Rigby.
	35	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington - -	- - -	Henry Pattison, Robert Howard, and William Smith.
	36	Passage, Yard, Well, and Premises.	Sarah Rimington - -	- - -	James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and William Smith.
	37	Dwelling House and Premises.	Humphrey Wickham -	- - -	Robert Clark, Archibald Brown, and Bridget Welsh.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	38	Dwelling House and Premises.	Humphrey Wickham -	- - -	Frank Lynch.
	39	Dwelling House and Premises.	Humphrey Wickham -	- - -	George Ellis and John Taylor.
	40	Dwelling House and Premises.	Humphrey Wickham -	- - -	Thomas Allship.
	41	Dwelling House and Premises.	Humphrey Wickham -	- - -	Patrick Ford, Michael O'Connor, and David Hughes.
	42	Dwelling House and Premises.	Humphrey Wickham -	- - -	William Smith and John Sullivan.
	43	Road and Footpath	The Local Board of Health for Chatham, Thomas Hills their Clerk, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, Charles Kennington and Ellen his Wife, Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, Robert Gage, John Lock, Humphrey Wickham, Samuel William Br ooks and Sarah Rimington.	Frederick Manser, James Grover, Edward Winch, John Connell, Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, Charles Buxton, John Swan, and Edward Gooddy.	Frederick Manser, James Grover, Charles Cheeseman Croft, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, Rebecca Jell, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, Michael Hare, John Connell, John Miller, Benjamin Surrel, Edward Payne, Edward Mackay, John Taylor, William Mordell, William Brigden, Robert Bailey, Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, John Swan, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, John Waylin, Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, William Smith, Robert Clark, Archibald Brown, Bridget Welsh, Frank Lynch, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, and David Hughes.

Chatham Lands, &c.

A

BILL

For enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.

(*Prepared and brought in by Mr. Osborne and Sir Charles Wood.*)

Ordered, by The House of Commons, *to be Printed*, 12 *May* 1857.

[Bill 8.]

Under 2 oz.

313

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

FOR

Enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.

WHEREAS it is expedient, for the Purposes of the Public Service, that the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland be authorized to purchase and hold additional Lands in the Parish of Chatham in the County of Kent, and from Time to Time to sell, exchange, dispose of, or demise such Lands as Occasion may require; and for the more convenient Occupation thereof that the Commissioners have Power to stop up, divert, or alter certain Ways in the same Parish: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Short Title.

I. In citing this Act for any Purpose whatever it shall be sufficient to use the Expression "The Chatham Lands Purchase Act, 1857."

Incorporation of 8 & 9 Vict. c. 18.

II. The Lands Clauses Consolidation Act, 1845, save and except such Parts as and so far only as such Parts relate to Compensation for any Damage or Injury to or injuriously affecting any Lands by reason of the Execution of any Works, and also save and except Sections Fifteen, Sixteen, Seventeen, Sixty-seven, Sixty-eight, One hundred and twenty-three, One hundred and twenty-seven, One hundred and twenty-eight, One hundred and twenty-nine, One hundred and thirty, One hundred and thirty-one, One hundred and thirty-two, One hundred and thirty-three, One hundred and thirty-four, One hundred and forty, One hundred and forty-eight, One hundred and fifty, and One hundred and fifty-one of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all Intents and Purposes whatever form Part of this Act.

Interpretation.

III. In the Construction of this Act, and of the Act herewith incorporated, so far as it relates to the Purposes of this Act, unless there be something in the Context repugnant to such Construction,

The Word "Ways" shall mean Turnpike Roads, Highways, Streets, Lanes, Occupation Roads or Ways, Bridleways, Footpaths, Causeways, Passages, and other Ways of every Kind whatsoever:

"The Lord High Admiral" shall mean the Lord High Admiral for the Time being of the United Kingdom of Great Britain and Ireland:

"The Commissioners" shall mean the Commissioners for the Time being for executing the Office of "The Lord High Admiral," when the Office of the Lord High Admiral shall be executed by Commissioners, and the Lord High Admiral for the Time being, whenever Her Majesty, Her Heirs or Successors, shall have appointed a Lord High Admiral:

"Special Act" in the Act herewith incorporated shall mean this Act:

The Expression "Promoters of the Undertaking" in the Act herewith incorporated shall mean "the Commissioners:"

The Word "Company" in the Act herewith incorporated shall mean "the Commissioners:"

The Word "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure, and all public and private Rights, Liberties, Appurtenances,

Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments.

Commissioners may purchase Lands.

IV. It shall be lawful for the Commissioners, subject to the Provisions of this Act, to purchase all or any of the Lands mentioned in the Schedule to this Act which they have not hitherto acquired, and that although the same Lands, or the Description or Boundaries thereof or of any Part thereof, or the Names of the Owners, Lessees, or Occupiers thereof respectively, or of any of them, may happen to be erroneously stated in or omitted from the said Schedule, in case it shall appear to and be certified by any Two Justices under their Hands that such erroneous Statement or Omission was not wilful.

Lands to be held in trust for Her Majesty.

V. All Lands mentioned in the said Schedule which have been purchased by the Commissioners, and which may be purchased or in any Manner acquired by the Commissioners under the Authority of this Act, shall be and become vested in the Commissioners for the Time being, and in their Successors in Office from Time to Time, to be held and enjoyed by the Commissioners for the Time being in succession, in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Instead of Bond required by 8 & 9 Vict. c. 18., Commissioners may give Undertaking.

VI. It shall be lawful for the Commissioners, instead of the Bond mentioned in Sections Eighty-five and Eighty-seven of the Act incorporated herewith, to give to the Party who would otherwise be entitled to such Bond a written Undertaking under their Hands to do and perform all and singular the Matters and Things mentioned in the Condition to such Bond to be done and performed; and such Undertaking shall have the same Validity and Effect as the Bond mentioned in the same Sections.

Costs of Arbitration where Compensation settled by Surveyor.

VII. When, under the Provisions of Section Fifty-nine of the Act incorporated herewith, Compensation shall have been determined by a Surveyor, and the Question of such Compensation shall afterwards be submitted to Arbitration, if a greater Sum than that determined by the Surveyor shall be awarded the Expenses of and incident to such Arbitration shall be borne by the Commissioners; and if the Sum awarded shall be less than the Sum determined by the Surveyor, then the Costs of and incident to such Arbitration shall be borne by the Owner, and shall be ordered to be and shall be repaid to the Commissioners out of the Amount deposited in the Bank; and if the said Sum be insufficient, the Amount of the Deficiency may be recovered by the Commissioners from the Owner in any Court of Record in an Action of Debt; and if the Sum awarded shall be the

same as determined by the Surveyor, then the Commissioners and the Owner shall respectively bear and pay their own Costs and One Half of the Expenses of the Arbitration.

Powers to apply to Purchases already made.

VIII. The Powers and Authorities by this Act given to the Commissioners relative to the Lands mentioned in the said Schedule shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, be applicable as well to any of such Lands already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the Provisions of this Act.

Notices by Commissioners.

IX. All Notices which under this Act are to be given by the Commissioners may be given under the Hand of the Secretary of the Admiralty.

Notices, &c. to the Commissioners.

X. All Notices and other Proceedings which under this Act are to be given to or served on the Commissioners shall be served on the Secretary of the Admiralty, by being left at or transmitted through the Post to the Admiralty at Whitehall.

Lands to continue liable to Land Tax.

XI. All Lands mentioned in the said Schedule which have been purchased by the Commissioners, and which may be purchased under the Authority of this Act which may be charged with the Land Tax, shall continue liable thereto, as they would have been had such Lands not been so purchased.

Commissioners may stop up and divert Ways, &c.

XII. It shall be lawful for the Commissioners, by Order in Writing under their Hands, to stop up, divert, or alter all or any of the Ways, Sewers, Drains, and Pipes on, near to, under, through, or over any of the Lands mentioned in the said Schedule, they the said Commissioners making, opening, or laying down another sufficient Way, Sewer, Drain, or Pipe, when requisite, in lieu of the One stopped up, diverted, or altered; and the Site and Soil of all such Ways, Sewers, Drains, and Pipes shall, on the same being so stopped up, diverted, or altered, be vested in the Commissioners, in manner herein-before provided with respect to Lands purchased by them.

Soil of Ways, &c. to vest in Commissioners.

Soil of substituted Ways, &c. to vest in Persons in whom Ways, &c. stopped up vested.

XIII. Upon any such substituted Way, Sewer, or Pipe being completed, the Site and Soil thereof shall vest in the same Persons, for the same Estate and Interest only, as the Site and Soil of the Way, Sewer, Drain, or Pipe stopped up, diverted, or altered was vested in at the Time the same was so stopped up, diverted, or altered.

XIV. If

Other public Drains, &c. to be made in lieu of any stopped up.

XIV. If it shall be deemed necessary to stop up, divert, or alter any Way under or through which any Public Drain or Sewer, or Main Pipe for the Conveyance of Gas or Water, shall pass or be laid, the Commissioners, previously to any such Drain, Sewer, or Pipe being disturbed or injured, shall cause another good and sufficient Drain or Sewer to be made, and other good and sufficient Pipe or Pipes for the Conveyance of Gas or Water, as the Case may be, to be laid down.

Substituted Ways, &c. to be repaired by Commissioners for Twelve Months.

XV. Every Way, Drain, Sewer, and Pipe which shall be so substituted by the Commissioners shall be kept in repair and maintained by the Commissioners for Twelve Calendar Months from the Time when the same shall be opened or shall be begun to be used.

After Twelve Months, by Persons liable to repair the old Ways, &c.

XVI. After the Expiration of such Twelve Calendar Months, every such substituted Way, Drain, Sewer, and Pipe shall be repaired and maintained by and at the Cost of the Persons who were previously liable to repair and maintain the Way, Drain, Sewer, or Pipe in lieu of which such substituted Way, Drain, Sewer, or Pipe shall have been made.

Commissioners may sell Lands.

XVII. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of, or to demise or let, all or any of the said Lands hitherto purchased by the Commissioners, and which from Time to Time may be purchased or acquired under the Authority of this Act; and it shall be lawful for the Commissioners to grant, convey, assign, or demise the same or any Part thereof accordingly, and for that Purpose to make and execute all such Conveyances and Assurances as they may deem necessary, and to do any other Act, Matter, or Thing in relation to such Lands as the Commissioners shall deem necessary.

Lands obtained on Exchange to vest in Commissioners.

XVIII. All Lands acquired by the Commissioners on any such Exchange shall vest in the Commissioners upon the same Trusts, and with the like Powers in all respects, as are hereby declared as to Lands hereby authorized to be purchased.

Monies received on Sale to be paid to Paymaster General.

XIX. The Monies to be produced by Sale or Exchange, or which may be paid by way of Premium, for any Lease of any Lands which shall be sold, let, exchanged, or conveyed, under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being; and the Receipt of the said Paymaster General for any such Monies (such Receipt to be endorsed on every such Conveyance, Assurance, or Lease as aforesaid), shall effectually discharge

the Purchaser or Person by whom or on whose Account the same shall be paid.

Lands to vest free from prior Estates, &c.

XX. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid, by the Commissioners, the Purchaser or Lessee therein named shall stand seised or possessed of the Lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of such Lands by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in such Conveyance, Assurance, or Lease shall be excepted.

Powers to be exercised by Two Commissioners or by Lord High Admiral.

XXI. All the Powers, Authorities, and Duties hereby vested in or imposed on the Commissioners may be exercised and performed by any Two of them at any Time when the Office of the Lord High Admiral shall be executed by Commissioners, and at all other Times by the Lord High Admiral for the Time being.

Saving of Rights of Her Majesty.

XXII. Nothing herein contained shall defeat, abridge, or injuriously affect, in any Action, Suit, or other Proceedings, the legal Rights, Privileges, or Prerogatives of Her Majesty, Her Heirs and Successors; and in all such Actions, Suits, or other Proceedings commenced under or in pursuance of this Act, and in all Matters relating thereunto, it shall be lawful for the Commissioners to claim, exercise, and enjoy all the same Rights, Privileges, and Prerogatives which have been heretofore claimed, exercised, and enjoyed in any Actions, Suits, or other Proceedings whatsoever, in any Court of Law or Equity, by Her Majesty or Her Predecessors, in the same Manner as if the Subject Matter of the said Action, Suit, or other Proceeding were vested immediately in Her Majesty, Her Heirs or Successors, and as if Her Majesty, Her Heirs or Successors, were actually a Party to such Action, Suit, or other Proceeding.

Protection of Commissioners personally.

XXIII. Nothing contained in this Act, and nothing done under or in pursuance thereof, shall extend to charge the Commissioners or any of them with the Payment of any Penalty or Penalties, or to charge, affect, or make liable the Person or Persons of the Commissioners or of any of them, or their Heirs, Executors, or Administrators, or their own proper Lands, Tenements, Goods, Chattels, or Property, in

in, under, or by reason of any Actions, Suits, Arbitrations, or other Proceedings whatsoever, at Law, in Equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the Commissioners or any of them be personally liable, nor shall the Property of the Commissioners or any of them be liable, to any legal Process or Execution in any such Actions, Suits, Arbitrations, or other Proceedings as aforesaid.

The SCHEDULE to the foregoing Act.

The Property herein-after described is bounded as follows; that is to say, on the North by the present Royal Marine Barracks, on the West by the Gun Wharf belonging to the War Department, on the South by the Churchyard of St. Mary's Church there, and on the East by the Queen's Highway or Road leading from the Town of Chatham to Brompton in the County of Kent.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent.	1	A Messuage or Tenement and Dwelling House called the Navy and Army Hotel, Outbuildings, Yards, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.
	2	Passage Way and Yard.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover, Edward Winch.	Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, James Grover, and Charles Cheeseman Croft.
	3	A Messuage, Tenement, or Dwelling House, Shop, Warehouse, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover -	James Grover and Charles Cheeseman Croft.
	4	Dwelling House, Yard, Garden, and Premises.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	5	A Messuage, Tenement, or Dwelling House, Yard, Garden, and Premises, called the Queen's Head Public House.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell.
	6	Passage, Yard, and Outbuilding.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	7	Passage, Yard, and Well of Water.	Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, and Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	Edward Winch, John Connell.	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	8	Dwelling House, Yard, Garden, and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	9	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, John Miller, and Benjamin Surrel.
	10	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Edward Payne and Edward Mackay.
	11	Lean-to Wash-house and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	12	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Taylor and William Mordell.
	13	Shed and Out-building.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	14	Dwelling House and Premises.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	William Brigden.
	15	Passage or Entrance Way, Yard, and Out-buildings.	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	16	Tenement or Stable	James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	17	Dwelling House used as a Beer Shop, called the Royal Marine, with a Shed, Yard, and Premises.	John Lock - -	Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, and Charles Buxton.	Robert Bailey.
	18	Dwelling House and Premises.	Humphrey Wickham -	- - -	Henry Wright and Miles Marney.
	19	Dwelling House and Premises.	Humphrey Wickham -	- - -	William Banks, James Palmer, and William Hogden.
	20	Covered Passage, Yard, Outbuildings, Passages, and Well of Water.	Humphrey Wickham -	- - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, and Frank Lynch.
	20 *b*	Passage-way -	Humphrey Wickham and Sarah Rimington.	- - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, James Grant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and Frank Lynch.
	21	Dwelling House, Yard, Garden, and Premises.	Humphrey Wickham -	- - -	John Campbell, George Dyer, and Joseph Kirkland.
	22	Stable and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	James Grover -	James Grover.
	23	Coach-houses, Stables, Shed, Outbuildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	Frederick Manser	Frederick Manser.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent. (*continued*).	24	A Messuage or Tenement used as a Public House, called the Red Lion, Fowl-house, Out-buildings, Yard, and Premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan -	John Swan.
	24 *b*	Open Yard -	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his Wife.	John Swan and Frederick Manser.	John Swan and Frederick Manser.
	25	Dwelling House, Yard, and Premises.	Humphrey Wickham -	- - -	Henry Camp.
	26	Dwelling House and Premises.	Humphrey Wickham -	- - -	James Kelly and John Kelly.
	27	Dwelling House and Premises.	Humphrey Wickham -	- - -	Elizabeth Tennant, James O'Neil, Maria Money, and Kate Morrison.
	28	Passage, Yard, and Outbuilding.	Humphrey Wickham -	- - -	Elizabeth Tennant, James, O'Neil, Maria Money, Kate Morrison, Henry Camp, James Kelby, and John Kelly.
	29	Dwelling House, Yard, Garden, Outbuilding, and Premises.	Samuel William Brooks -	- - -	Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, and John Waylin.
	30	Dwelling House, Yard, and Premises.	Samuel William Brooks -	Edward Gooddy	Edward Goody.
	31	Dwelling House, Yard, and Premises.	Samuel William Brooks -	Edward Gooddy	William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	32	Yard, Garden, Out-buildings, and Premises.	Samuel William Brooks -	Edward Gooddy	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	33	Covered Passage-way.	Samuel William Brooks and Sarah Rimington.	Edward Gooddy	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, Henry Pattison, Robert Howard, William Smith, James Gant, Samuel Jacob, and Thomas Rigby.
	34	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington - -	- - -	James Gant, Samuel Jacob, and Thomas Rigby.
	35	Dwelling House, Out-building, Garden, and Premises.	Sarah Rimington - -	- - -	Henry Pattison, Robert Howard, and William Smith.
	36	Passage, Yard, Well, and Premises.	Sarah Rimington - -	- - -	James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and William Smith.
	37	Dwelling House and Premises.	Humphrey Wickham -	- - -	Robert Clark, Archibald Brown, and Bridget Welsh.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham in the County of Kent (*continued*).	38	Dwelling House and Premises.	Humphrey Wickham -	- - -	Frank Lynch.
	39	Dwelling House and Premises.	Humphrey Wickham -	- - -	George Ellis and John Taylor.
	40	Dwelling House and Premises.	Humphrey Wickham -	- - -	Thomas Allship.
	41	Dwelling House and Premises.	Humphrey Wickham -	- - -	Patrick Ford, Michael O'Connor, and David Hughes.
	42	Dwelling House and Premises.	Humphrey Wickham -	- - -	William Smith and John Sullivan.
	43	Road and Footpath	The Local Board of Health for Chatham, Thomas Hills their Clerk, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, Charles Kennington and Ellen his Wife, Harriet Best, the Reverend Sir Charles Hardinge, Clerk and Baronet, Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his Wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, Robert Gage, John Lock, Humphrey Wickham, Samuel William Brooks and Sarah Rimington.	Frederick Manser, James Grover, Edward Winch, John Connell, Robert Hanbury, Sir Edward North Buxton, Baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, Charles Buxton, John Swan, and Edward Gooddy.	Frederick Manser, James Grover, Charles Cheeseman Croft, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, Rebecca Jell, Robert Irving, Christopher Duffey, Walter Murdoch, William Harrison, Michael Hare, John Connell, John Miller, Benjamin Surrel, Edward Payne, Edward Mackay, John Taylor, William Mordell, William Brigden, Robert Bailey, Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, John Swan, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, John Waylin, Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, William Smith, Robert Clark, Archibald Brown, Bridget Welsh, Frank Lynch, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, and David Hughes.

Chatham Lands, &c.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

For enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other Purposes relating thereto.

(*Prepared and brought in by Mr. Osborne and Sir Charles Wood.*)

Ordered, by The House of Commons, *to be Printed*, 19 *May* 1857.

[Bill 24.]

Under 2 oz.

A

BILL

TO

Repeal so much of the Act of the Ninth and Tenth Years of Victoria, c. 39., as authorizes a Toll to be taken for Foot Passengers on the Bridge now erecting across the River Thames pursuant to such Act.

WHEREAS by an Act passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-nine, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings were empowered to construct and complete a Bridge across the River Thames between Battersea and Vauxhall Bridges, from a Point near Chelsea Hospital on the North Side of the said River to a Point near the Public House called the Red House on the South Side of the said River; and by the Act now in recital the said Commissioners were also empowered to erect Toll Gates or Bars on the said Bridge, and Toll Houses or other Conveniences near such Toll Gates or Bars, as they should think fit; and it was also provided that a Toll not exceeding One Halfpenny might be taken on the said Bridge for every Foot Passenger for each and every Time of passing: And whereas by an Act passed in the Session of Parliament held in the

Preamble.

9 & 10 Vict. c. 39.

14 & 15 Vict. c. 42.

the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Forty-two, the Commissioners or First Commissioner of Her Majesty's Works and Public Buildings for the Time being were authorized and required to perform and exercise all the Duties and Powers under the herein-before recited Act which would have been performed and exercised by the Commissioners or First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings if the Act now in recital had not passed: And whereas it is expedient that so much of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Thirty-nine, as imposes or authorizes a Toll to be demanded and taken for every Foot Passenger passing the said Bridge, should be repealed: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows;

Repeal of so much of 9 & 10 Vict. c. 39. as authorizes a Toll to be taken in respect of Foot Passengers passing the Bridge.

I. That so much of the said recited Act of the Ninth and Tenth Years of the Reign of Her present Majesty as empowers or authorizes a Toll to be demanded and taken for or in respect of Foot Passengers passing the said Bridge shall be and is hereby repealed.

Chelsea New Bridge.

A

BILL

To repeal so much of the Act of the Ninth and Tenth Years of Victoria, c. 39., as authorizes a Toll to be taken for Foot Passengers on the Bridge now erecting across the River Thames pursuant to such Act.

(*Prepared and brought in by Sir Benjamin Hall and Mr. Brand.*)

Ordered, by The House of Commons, *to be Printed*, 16 *July* 1857.

[Bill 133.]

Under 1 *oz.*

23 *June* 1857. 20 & 21 Vict.

A

BILL

TO

Render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of Stranton in the County of Durham.

WHEREAS a Church at West Hartlepool in the Parish of Stranton in the County of Durham was erected and built in or before the Year One thousand eight hundred and fifty-four, and was in that Year duly consecrated for the Performance of Divine Service therein, under the Name of Christ Church, and on the Nineteenth Day of April One thousand eight hundred and fifty-four a District was, by Instrument under the Hand and Seal of the Bishop of Durham, expressed to be assigned to the said Church, in exercise of a supposed Authority for that Purpose in an Act of the Session holden in the First and Second Years of King William the Fourth Chapter Thirty-eight: And whereas divers Marriages have been solemnized in the said Church, and Entries of the said Marriages so solemnized have been from Time to Time made in Register Books kept at the said Church: And whereas the sole Jurisdiction of the Bishop under the said Act of the First and Second Years of King William the Fourth, to assign a District to a new Church, having been determined by the Act of the Session holden in the Fourteenth Preamble.

 and

and Fifteenth Years of Her Majesty, Chapter Ninety-seven, it is apprehended that the Marriages solemnized in the said Church may be deemed invalid: And whereas it is expedient, under the Circumstances aforesaid, to confirm such Marriages: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Marriages solemnized in Christ Church, West Hartlepool, declared valid.

I. All Marriages heretofore solemnized in the said Church, and the Publication of Banns in such Church previous to any such Marriage, shall be and be deemed to have been as good, valid, and effectual in the Law, to all Intents and Purposes whatsoever, as if such Marriages had been solemnized and such Publication of Banns had taken place in the Parish Church of Stranton.

Ministers having solemnized Marriages indemnified.

II. No Minister who has solemnized any of the said Marriages shall be liable to any Ecclesiastical Censures, or to any other Proceedings or Penalties whatsoever, by reason of his having so as aforesaid solemnized the same respectively.

Registers to be Evidence.

III. The Registers of the Marriages so solemnized as aforesaid, or Copies of such Registers, shall be received in all Courts of Law and Equity as Evidence of such Marriages respectively, in the same Manner as Registers of Marriages in Parish Churches, or Copies thereof, are by Law receivable in Evidence.

Christ Church, (West Hartlepool).

A

BILL

To render valid certain Marriages in Christ Church, West Hartlepool, in the Parish of Stranton in the County of Durham.

(*Prepared and brought in by Mr. Massey and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1857.

[Bill 84.]

Under 1 *oz.*

22 *May* 1857. 20 Vict. (Sess. 2.)

A

BILL

FOR

The Amendment of the Cinque Ports Act.

WHEREAS by an Act passed in the Session of Parliament holden in the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, intituled "An Act for the better Administration of Justice in the Cinque Ports," it was enacted (by the Fifth Section), that from and after the granting of a Charter of Incorporation to certain Parishes or Places therein mentioned, amongst which was Saint John the Baptist (called Margate), or any One of them, or any Part thereof, certain Acts and Portions of Acts therein mentioned should be and the same were thereby repealed so far as the same concerned or affected the Part comprised in such Charter; and that from and after the Date of such Charter no Court of Sessions to be holden for the Town and Port of Dover, nor any Justices thereof, should have any Jurisdiction or Authority over or in respect of the District comprised in any such Charter, and no such District should be liable to any Rate, Cess, or Impost to which the same or the Inhabitants thereof would but for the now-reciting Act be liable as a Member or Liberty of Dover save as therein-after otherwise provided: And whereas the Inhabitant Householders of the Town of Margate, being Part of the said Parish of Saint John the Baptist called Margate, have, in pursuance of the Provisions of an Act passed in

Preamble.

18 & 19 Vict. c. 48. s. 5.

 the

7 W. 4. & 1 Vict. c. 78.

the First Year of the Reign of Her present Majesty, intituled "An "Act to amend an Act for the Regulation of Municipal Corporations "in England and Wales," petitioned Her Majesty to grant a Charter of Incorporation to the Inhabitants of the said Town of Margate within the Limits defined in the Schedule to an Order of the General Board of Health bearing Date the Third Day of July One thousand eight hundred and fifty-one, whereby and by means of "The Public Health Supplemental Act, 1851, No. 2," the Public Health Act was applied to the said Town: And whereas Notice of such Petition, and of the Time when the same was ordered by Her Majesty to be taken into consideration by Her Privy Council, was duly published in the London Gazette One Month at least before such Petition was considered, as herein-after mentioned: And whereas Her Majesty's said Privy Council did proceed to consider the said Petition, and having fully considered it have advised Her Majesty to grant a Charter of Incorporation to the Inhabitants of the said Town of Margate within the District set forth in the said Order of the General Board of Health: And whereas if such Charter as aforesaid be granted the Provisions of the said recited Act with respect to the District comprised in such Charter will take effect, and thenceforward, and until the Grant of a Commission of the Peace and Quarter Sessions of the Peace for such District, Inconveniences may arise unless the said recited Act be amended: And whereas it is expedient that the said recited Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Section 5. of recited Act not to apply to any District until Her Majesty shall have granted a Commission of the Peace and a Court of Quarter Sessions thereto.

I. The Provisions contained in the Fifth Section of the said recited Act shall not apply or have any Effect with reference to any District comprised within any Charter of Incorporation to be granted to any Parish or Place mentioned in the said Act or any Part thereof, unless and until Her Majesty shall have granted a Commission of the Peace and a Court of Quarter Sessions for the District comprised in any such Charter, but on the Grant of a Commission of the Peace and Court of Quarter Sessions to any such District the said Provisions contained in Section Five of the said recited Act shall thereupon take effect and come into force with respect to such District.

Cinque Ports Act Amendment.

A

B I L L

For the Amendment of the Cinque Ports Act.

(Prepared and brought in by Mr. Wilson and Viscount Duncan.)

Ordered, by the House of Commons, *to be Printed*, 22 *May* 1857.

[Bill 29.]

Under 1 *oz.*

Clerks of Petty Sessions (Ireland) Bill.

ARRANGEMENT OF CLAUSES.

Interpretation of Terms; Sect. 1.

Short Title; 2.

From 1st Day of January 1858, Petty Sessions Clerks shall be paid by Salaries instead of Fees; 3.

The Clerk of each Petty Sessions shall transmit a Statement of Fees, &c. received by him in respect of his Office to the Clerk of the Peace of the County; 4.

Justices at Quarter Sessions shall inquire into Duties of Petty Sessions Clerks within the County, and Amount of Fees, &c. received by them, and recommend that such annual Salaries in lieu of Fees shall be paid to such Clerks as they think fit, subject to Approval of Lord Lieutenant; 5.

Lord Lieutenant may approve of such Recommendation, or refer it back for Re-consideration; 6.

Justices in Boroughs shall inquire into Duties of Clerks of such Justices, and Amount of Fees, &c. received by them, and recommend to Lord Lieutenant that such annual Salaries in lieu of Fees be paid to such Clerks as they think fit; 7.

Lord Lieutenant may approve of such Recommendation, or refer it back for Re-consideration; 8.

On final Approval, Lord Lieutenant shall make an Order accordingly. Order to be published in Dublin Gazette; 9.

If the Justices neglect to transmit Recommendation, the Lord Lieutenant may direct Clerk to be paid by Salary in lieu of Fees; 10.

Salary of Clerk to be the Remuneration for all Business performed by him, save making Copies of Informations and Complaints; 11.

Justices may from Time to Time vary the Amount of Salary, subject to the like Approval; 12.

Grand Jury to present Amount of Salaries of Clerks of Petty Sessions; 13.

Clerks of Justices to be paid out of Borough Fund; 14.

Clerks shall account for Fees, and pay over Amount to Treasurer of County or Treasurer of Borough; 15.

When Salaries of Clerks shall be paid; 16.

Penalty on Clerks receiving Gratuities; 17.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices; 18.

Affidavit to be made by Clerk that Accounts of Fees are correct; 19.

In default of paying over Sum received for Fees, Amount to be levied by Distress; 20.

Power to consolidate Petty Sessions Districts; 21.

Clerk of the Peace to enter Particulars of such Consolidation in the Crown Book, and transmit Copy to Secretary of Grand Jury; 22.

Justices may appoint One Clerk to act for such altered District; 23.

Any Petty Sessions Clerk who shall lose his Office by reason of such Consolidation to be compensated; 24.

Clerk to enter into a fresh Recognizance; 25.

Mode of recovering Fees due and unpaid; 26.

All Fines or penal Sums levied in any County (save as herein mentioned) to be paid to the Credit of the Treasurer, to be applied in the Reduction of Rates; 27.

Expenses incurred by Clerk of Peace in carrying into effect this Act to be paid by Counties; 28.

Lord Lieutenant to make general Regulations; 29.

Salary of Petty Sessions Clerk may be withheld in case of his not duly accounting for Fines, &c.; 30.

Clerk liable to be dismissed in like Manner as before the passing of this Act; 31.

Nothing herein to affect the Duties of Petty Sessions Clerks to account for Fines; 32.

"Petty Sessions (Ireland) Act, 1851," incorporated with this Act; 33.

Act to extend to Ireland only; 34.

(Ireland.)

A

BILL

TO

Authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend the Petty Sessions (Ireland) Act, 1851.

WHEREAS it is expedient to authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend "The Petty Sessions (Ireland) Act, 1851:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preamble. 14 & 15 Vict. c. 93.

I. In the Construction of this Act, the following Words and Expressions shall, if not inconsistent with the Context, have the Meanings herein-after assigned to them; (that is to say,) "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland; "County" shall include Riding and any Part of a County or Riding where Quarter Sessions are held; "Borough" shall include City, Town Corporate, and County of a City, or County of a Town; "District" shall mean Petty Sessions District; "Clerk" shall mean Petty Sessions Clerk, and shall include the Clerk of the Justices of any Borough entitled to take Fees; "Justice" shall mean

Interpretation of Terms.

Justice of the Peace, and shall include the Chief Magistrate for the Time being, or the Borough Justices of any Corporate Town; "Treasurer" shall mean Treasurer of the County or Borough, as the Case may be, and shall, as regards the County of Dublin, mean the Finance Committee, or Secretary of the Grand Jury, as the Case may be; and "Assizes," as regards the County of Dublin, shall be held to mean Presenting Term.

Short Title.

II. This Act may be cited for all Purposes as "The Petty Sessions (Ireland) Amendment Act, 1857."

From 1st Day of Jan. 1858, Petty Sessions Clerks shall be paid by Salaries instead of Fees.

III. From and after the *First Day of January One thousand eight hundred and fifty-eight*, the Clerks of Petty Sessions in Ireland shall be paid by Salaries instead of Fees, in the Manner and subject to the Provisions herein-after mentioned.

The Clerk of each Petty Sessions shall transmit a Statement of Fees, &c. received by him in respect of his Office to the Clerk of the Peace of the County.

IV. The Clerk of each Petty Sessions District in each County in Ireland shall, on or before the *First Day of September One thousand eight hundred and fifty-seven*, and at any other Time when required so to do by the Clerk of the Peace, transmit to the Clerk of the Peace of the County within which such Petty Sessions are held a Statement in Writing of all lawful Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the *Three* Years then next preceding, as nearly as the same can be ascertained; and all such Statements shall be laid by such Clerk of the Peace before the Justices at the next Quarter Sessions for the Division of the County in which such Petty Sessions is held.

Justices at Quarter Sessions shall inquire into Duties of Petty Sessions Clerks within the County, and Amount of Fees, &c. received by them, and recommend that such annual Salaries in lieu of Fees shall be paid to such Clerks as they think fit, subject to Approval of Lord Lieutenant.

V. The Justices of every County in Ireland at the Quarter Sessions held for each Division of such County next after the *passing of this Act*, or at some Adjournment thereof, shall inquire into the Nature of the Duties of the Clerk of each Petty Sessions held within such Division and of all Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the *Three* Years then next preceding, as nearly as the same can be ascertained, and shall recommend to the Lord Lieutenant that such annual Salary shall be paid to such Clerk in lieu of Fees, and other Payments, as to them shall seem fit, regard being had to the Extent of the Duties of such Clerk; and every such Recommendation, being accompanied by a Statement of the Amount of Fees received at each such Petty Sessions during each of the *Three* Years next preceding, as nearly as the same can be ascertained, and being signed by a Majority of the Justices then present, shall be transmitted to the Lord Lieutenant:

Provided

Provided always, that the Clerk of the Peace shall publish a Notice in some Newspaper circulating in the County *Ten* Days at the least before the Quarter Sessions at which such Inquiry is to be held, stating the Time and Place appointed for such Inquiry.

Lord Lieutenant may approve of such Recommendation, or refer it back for Re-consideration.

VI. The Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration; and thereupon the Justices shall, at some Quarter Sessions or Adjournment thereof, of which Notice shall be given in manner aforesaid *Seven* Days at least beforehand, reconsider their said Recommendation, and may alter or amend it.

Justices in Boroughs shall inquire into Duties of Clerks of such Justices, and Amount of Fees, &c. received by them, and recommend to Lord Lieutenant that such annual Salaries in lieu of Fees be paid to such Clerks as they think fit.

VII. The Justices in any Borough in Ireland to which a Commission of the Peace shall have been granted, and where the Clerk of such Justices shall be entitled to take Fees, shall, on or before the *First Day of November One thousand eight hundred and fifty-seven*, inquire into the Nature of the Duties of the Clerk of such Justices, and of all Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the *Three* Years next preceding such Inquiry, and shall recommend to the Lord Lieutenant that such annual Salary shall be paid to such Clerk in lieu of Fees and other Payments as to them shall seem fit, regard being had to the Extent of the Duties of such Clerk; and every such Recommendation, being accompanied by a Statement of the Amount of Fees received by such Clerk during each of the *Three* Years then next preceding, as nearly as the same can be ascertained, and being signed by such Justices, shall be transmitted to the Lord Lieutenant.

Lord Lieutenant may approve of such Recommendation or refer it back for Re-consideration.

VIII. The Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration, and thereupon the Justices shall re-consider their said Recommendation, and may alter or amend it.

On final Approval, Lord Lieutenant shall make an Order accordingly.

IX. If the Lord Lieutenant shall finally approve of the Recommendation of the Justices, he shall, by Order under his Hand, direct that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall have been finally fixed by such Justices, and approved by the Lord Lieutenant, to commence from the *First Day of January One thousand eight hundred and fifty-eight*, and to be payable half-yearly; and a Copy of every such Order shall be transmitted to the Secretary of the Grand Jury of the County or Town Clerk of the Borough, or where there is no Town Clerk, to the Clerk of the Peace for the County in which the Borough is situate, and Notice thereof shall be published in the Dublin Gazette.

Order to be published in Dublin Gazette.

If the Justices neglect to transmit Recommendation, Lord Lieutenant may direct Clerk to be paid by Salary in lieu of Fees.

X. If the Justices neglect to transmit such Recommendation to the Lord Lieutenant, or to re-consider and alter or amend such Recommendation, as the Case may be, the Lord Lieutenant may direct that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall appear to be fair and reasonable, and to commence from the *First Day of January One thousand eight hundred and fifty-eight.*

Salary to be Remuneration for Business performed save making Copies of Informations, &c.

XI. The Salary of any Clerk under any such Order shall be the Remuneration for all Business which such Clerk may by reason of his Office be called upon to perform, save the making of Copies of Informations or Complaints, and no other Payment shall be made for any such Business, except the Fee of *Sixpence* for any Copy of an Information or Complaint.

Justices may from Time to Time vary the Amount of Salary, subject to the like Approval.

XII. The Justices at Quarter Sessions may at any Time, but not more frequently than once in every *Two* Years after the *First Day of January One thousand eight hundred and fifty-nine*, re-consider the Salary appointed to be paid to the Clerk (Notice being given that a Motion will be made for such Purpose in the Manner hereinbefore provided), and may recommend to the Lord Lieutenant that such Salary should be increased or diminished, and fixed at such Sum as to them shall seem proper; and any such new Recommendation, and any Order of the Lord Lieutenant to be made thereon, shall be dealt with in the same Manner in all respects, and have the like Operation and Effect, as any original Recommendation under this Act, and Order of the Lord Lieutenant thereon.

Grand Jury to present Amount of Salaries of Clerks of Petty Sessions.

XIII. The Salary of any Clerk in any County under any such Order shall be payable by the County within which such Petty Sessions District is situate; and the Grand Jury of every such County is hereby required and empowered, without Application at Presentment Sessions, from Time to Time, at each Assizes, to make Presentment of the Sums payable in respect of such Salaries to be raised off the County at large; the First Presentment to be made at the Spring Assizes of *One thousand eight hundred and fifty-eight*, and in the County of Dublin at the First Presenting Term of *One thousand eight hundred and fifty eight;* and if the Grand Jury shall refuse or neglect to make such Presentment, the Court or Judge shall order the Amount of such Salaries to be raised off such County, and such Order shall have the Force of a Presentment, and the Amount therein specified shall be raised accordingly.

Clerks of Justices to be paid out of Borough Fund.

XIV. The Salary of any Clerk in any Borough under any such Order shall be paid to him by the Treasurer of such Borough out of the Borough Fund half-yearly; and in case the Borough Fund shall not

not be sufficient, or in case there shall be no Borough Fund, the Council of such Borough shall include in and pay out of the Borough Rate of such Borough such Salary as aforesaid.

Clerks shall account for Fees, and pay over Amount to Treasurer of County or Treasurer of Borough.

XV. On and after *the First Day of January One thousand eight hundred and fifty-eight*, the Clerk shall cause all Fees received or receivable by him by virtue of his Office, save the Fee of *Sixpence* for each Copy of an Information or Complaint, to be duly and regularly entered in One or more Books to be kept for that Purpose, distinguishing the Fees received under their several Heads, and shall render a true and faithful Account in Writing to the Treasurer of all such Fees, at such Times, and in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the Lord Lieutenant shall from Time to Time think proper to direct; and the Treasurer shall audit such Account, and in each County shall lay the same before the Grand Jury at each Assizes; and the said Clerk in each County shall from Time to Time pay over the Amount of such Fees to the County Bank, to the Credit of the Treasurer, and to be applied in Reduction of the Rates to be raised off the County at large, as the Grand Jury shall from Time to Time direct; and the Clerk shall in each Borough pay over the Amount of such Fees to the Treasurer, to be placed to the Credit of the Borough Fund or Borough Rate, as the Case may be.

When Salaries of Clerks shall be paid.

XVI. The Sum presented by the Grand Jury for the Salary of any Clerk in any County and the Salary of the Clerk in any Borough shall be paid to him only when it shall appear to the Treasurer that the Clerk has duly accounted for all Fees received or which ought to have been received by him for the Quarter next but One before the Quarter or Half Year or Year in respect to which such Presentment shall have been made.

Penalty on Clerks receiving Gratuities.

XVII. No Payment, Reward, Fee, or Gratuity, other than his Salary, and the said Fee of *Sixpence* for every Copy of an Information or Complaint, shall be received by any such Clerk in respect of any Business or Proceedings at Petty Sessions (other than the Fees he is required to account for under the Provisions of this Act), under Pain of Dismissal, and a Penalty of *Ten Pounds* for every such Offence, to be recovered as in Cases of Summary Jurisdiction before the Justice or Justices at Petty Sessions.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices.

XVIII. Where any Justice or Justices shall remit any Fee, in whole or in part, under the Provisions of "The Petty Sessions (Ireland) Act, 1851," such Justice or Justices shall cause an Entry thereof to be made in the Petty Sessions Book, and of the Reason of the Remission, which

which Entry shall be signed by such Justice or Justices authorizing such Remission.

Affidavit to be made by Clerk that Amount of Fees are correct.

XIX. Every Account to be rendered by any Clerk to the Treasurer shall be verified by an Affidavit made by such Clerk before a Justice of the Truth and Accuracy of such Account.

In default of paying over Sum received for Fees, Amount to be levied by Distress.

XX. If Default shall at any Time be made by any such Clerk in paying over any Sum of Money due on such Accounts, it shall be lawful for the Treasurer to stay the Payment of any Salary due to such Clerk, or in case of his Death, to his Executors or Administrators, and also to certify such Default to the Justice or Justices at such Petty Sessions, who shall thereupon issue the proper Warrant for the Levy of such Sum of Money as shall have been certified to be due by such Clerk by Distress and Sale of his Goods and Chattels, in his Hands, or in case of his Death, in the Hands of his Executors or Administrators, and in default of Distress and Sale of Goods such Justice or Justices may commit such Clerk to Gaol, there to be imprisoned for any Period not exceeding *Three* Months, unless in the meantime the Amount so certified shall be paid; and the Certificate of such Treasurer shall be primâ facie Evidence of such Default.

Power to consolidate Petty Sessions Districts.

XXI. Whenever the Justices at Quarter Sessions shall deem it expedient that any Two or more of the Petty Sessions Districts into which any County or Riding is now or shall be hereafter divided should be consolidated, or whenever they shall be called upon so to do by the Lord Lieutenant, or by a Requisition signed by any Seven or more of the Justices of such County or Riding, they may proceed at the next Quarter Sessions which shall be held for such County or Riding, or at any Adjournment of the same for that Purpose, to consolidate such Two or more Petty Sessions Districts into One Petty Sessions District, and shall fix some One convenient Place within such District at which Petty Sessions shall be held for the same, and the Number of Times in each Week when Petty Sessions shall be regularly held in such District, and shall also ascertain the Salary to be paid to the Clerk of such consolidated District, subject to the Approval of the Lord Lieutenant in manner herein-before expressed and provided.

Clerk of the Peace to enter Particulars of such Consolidation in the Crown Book, and transmit

XXII. Whenever any such Petty Sessions Districts shall be so consolidated, and the Place and Times fixed at which Petty Sessions shall be held therein, the Clerk of the Peace shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before such Grand Jury at the then next ensuing Assizes

(and

(and in the County of Dublin at the then next ensuing Presenting Term), and the same shall be printed with the Presentments. Copy to Secretary of Grand Jury.

XXIII. It shall be lawful for the Justices of such Petty Sessions, so altered as aforesaid, to appoint some One fit Person to act as Clerk of such Petty Sessions, and the Clerk so appointed shall perform the several Duties required to be performed by Clerks of Petty Sessions under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act. Justices may appoint One Clerk to act for such altered District.

XXIV. If any Person shall be deprived of his Office of Petty Sessions Clerk by reason of such Petty Sessions Districts having been so consolidated, and shall not be re-appointed to the Office of Clerk of any other Petty Sessions, the Justices of the County within which the Petty Sessions Districts so consolidated are situate, assembled at the next Quarter Sessions or at some Adjournment thereof, shall inquire into the net Salary, Fees, and Emoluments received by such Person in respect of the Office of which he had been so deprived, after deducting any Disbursements made thereout or Charges affecting the same, in each of the *Three* Years next preceding such Inquiry, as nearly as the same can be ascertained, and shall by Order under the Hand of a Majority of such Justices present at such Inquiry direct that such Person shall, from a Time to be specified in such Order, be paid such annual Sum by way of Compensation as shall appear to such Justices fair and reasonable, not exceeding in any Case *Two Thirds* of the net average annual Amount of such Salary, Fees, and Emoluments; and such annual Sum shall be payable to such Person by the County within which the Petty Sessions Districts so consolidated are situate, and shall be presented and raised off the County, and paid to such Person, in the like Manner and subject to the like Regulations as by this Act provided with respect to the Salaries payable to Clerks of Petty Sessions. Any Petty Sessions Clerk who shall lose his Office by reason of such Consolidation to be compensated.

XXV. Each Petty Sessions Clerk shall, within such Time as shall be appointed by the Lord Lieutenant after the *First Day of January One thousand eight hundred and fifty-eight*, enter into a fresh Recognizance conditioned for the due Discharge of the several Duties required of him under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act, with One or more Sureties, and in such Amount as the Lord Lieutenant shall direct; and every such Recognizance shall be subject to the several Provisions relating to Recognizances contained in "The Petty Sessions (Ireland) Act, 1851," so far as the same are applicable, and as are not altered by this Act. Clerk to enter into a fresh Recognizance.

Mode of recovering Fees due and unpaid.

XXVI. If any Proceeding shall be taken by or before any Justice or Justices in respect of which any Fees shall be payable, but shall not be paid, it shall be lawful for any of the said Justices to make Order for Payment of the same, and such Order shall have the like Effect and be enforced in like Manner as any other Order made at Petty Sessions.

All Fines or penal Sums levied in any County (save as herein mentioned) to be paid to the Credit of the Treasurer, to be applied in the Reduction of Rates.

XXVII. So long as the Hereditary Revenues of the Crown shall not be payable to Her Majesty, Her Heirs and Successors, all Fines or penal Sums payable to the Crown in any County or Borough in Ireland, and lodged to the Credit of the Fund arising from Fines and Penalties under the Provisions of "The Fines Act (Ireland), 1851," Section Fourteen, over and above the Charges placed upon the said Fund under the Provisions of the Fifteenth Section of the said Act, save and except any Fines or penal Sums imposed, levied, or received at any of the Divisional Police Offices of Dublin Metropolis, shall be transferred to the Credit of the Treasurer of such County or Borough, as the Case may be, to be applied in the Reduction of the Rates to be raised off the County at large, or in aid of the Borough Fund or Borough Rate, at such Times and in such Manner as the Lord Lieutenant shall direct.

Expenses incurred by Clerk of Peace in carrying into effect this Act to be paid by Counties.

XXVIII. Any lawful Charges and Expenses which shall be necessarily incurred by the Clerk of the Peace in carrying into effect the Provisions of this Act in any Petty Sessions District in Ireland shall be payable by the County within which such Petty Sessions District is situate, and shall be presented and raised off the County, and paid, in the like Manner and subject to the like Regulations as by this Act provided with respect to the Salaries payable to Clerks of Petty Sessions.

Lord Lieutenant to make general Regulations.

XXIX. The Lord Lieutenant may make such general Regulations as shall seem expedient for carrying into effect the Provisions of this Act, and for checking of the Accounts of such Petty Sessions Clerks.

Salary of Petty Sessions Clerk may be withheld in case of his not duly accounting for Fines, &c.

XXX. The Salary or Allowance payable to any Clerk may be at any Time withheld, on the Certificate of the Chief or Under Secretary that such Clerk has not duly accounted for the Fines for which he shall be required to account, under the Provisions of "The Fines Act (Ireland), 1851."

Clerk liable to be dismissed in like Manner as before the passing of this Act.

XXXI. Every such Clerk shall be liable to be dismissed from his Office in like Manner as he might have been dismissed therefrom before the passing of this Act, and nothing in this Act shall give him any greater or other Interest in the Tenure of his Office than he might have lawfully claimed if this Act had not passed.

XXXII. Nothing

Nothing herein to affect the Duties of Petty Sessions Clerks to account for Fines.

XXXII. Nothing in this Act shall extend to alter or affect the Duties and Liabilities of Clerks of Petty Sessions to make Entries and render Accounts of all such penal Sums as shall be ordered to be paid at Petty Sessions under the Provisions of "The Fines Act (Ireland), 1851."

"Petty Sessions (Ireland) Act, 1851," incorporated with this Act.

XXXIII. All the Provisions of "The Petty Sessions (Ireland) Act, 1851," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Act to extend to Ireland only.

XXXIV. This Act shall extend to Ireland only, and shall not affect the Borough of Dublin, or the Dublin Metropolitan Police District.

Clerks of Petty Sessions (Ireland).

A

BILL

To authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend the Petty Sessions (Ireland) Act, 1851.

(*Prepared and brought in by Mr. Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1857.

[Bill 117.]

Under 1 *oz.*

Clerks of Petty Sessions (Ireland) Bill.

[AS AMENDED IN COMMITTEE]

ARRANGEMENT OF CLAUSES.

Interpretation of Terms; Sect. 1.

Short Title; 2.

From 1st Day of January 1858, Petty Sessions Clerks shall be paid by Salaries instead of Fees; 3.

The Clerk of each Petty Sessions shall transmit a Statement of Fees, &c. received by him in respect of his Office to the Clerk of the Peace of the County; 4.

Justices at Quarter Sessions shall inquire into Duties of Petty Sessions Clerks within the County, and Amount of Fees, &c. received by them, and recommend that such annual Salaries in lieu of Fees shall be paid to such Clerks as they think fit, subject to Approval of Lord Lieutenant; 5.

Lord Lieutenant may approve of such Recommendation, or refer it back for Re-consideration; 6.

On final Approval, Lord Lieutenant shall make an Order accordingly. Order to be published in Dublin Gazette; 7.

If the Justices neglect to transmit Recommendation, the Lord Lieutenant may direct Clerk to be paid by Salary in lieu of Fees; 8.

Salary of Clerk to be the Remuneration for all Business performed by him, save making Copies of Informations and Complaints; 9.

Justices may from Time to Time vary the Amount of Salary, subject to the like Approval; 10.

Grand Jury to present Amount of Salaries of Clerks of Petty Sessions; 11.

Clause A. When Petty Sessions District in Two Counties, Salary, &c. to be apportioned between such Counties; 12.

Clerks shall account for Fees, and pay over Amount to Treasurer of County; 13.

When Salaries of Clerks shall be paid; 14.

Penalty

Penalty on Clerks receiving Gratuities; 15.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices; 16.

Affidavit to be made by Clerk that Accounts of Fees are correct; 17.

In default of paying over Sum received for Fees, Amount to be levied by Distress; 18.

Power to consolidate Petty Sessions Districts; 19.

Clerk of the Peace to enter Particulars of such Consolidation in the Crown Book, and transmit Copy to Secretary of Grand Jury; 20.

Justices may appoint One Clerk to act for such altered District; 21.

Clause B. Justices at Quarter Sessions, with Consent of Lord Lieutenant, may direct that One Petty Sessions Clerk shall act for Two or more Districts; 22.

Clause C. Mode of filling up Vacancies in the Office of Petty Sessions Clerk for Two or more Petty Sessions Districts; 23.

Any Petty Sessions Clerk who shall lose his Office by reason of such Consolidation to be compensated; 24.

Clause D. Justices at Quarter Sessions may grant Superannuations to Petty Sessions Clerks; 25.

Clause E. Justices at Petty Sessions to make additional Rules for Performance of Duties of Petty Sessions Clerk, subject to Approval of Lord Lieutenant; 26.

Clerk to enter into a fresh Recognizance; 27.

Mode of recovering Fees due and unpaid; 28.

All Fines or penal Sums levied in any County (save as herein mentioned) to be paid to the Credit of the Treasurer, to be applied in the Reduction of Rates; 29.

Expenses incurred by Clerk of Peace in carrying into effect this Act to be paid by Counties; 30.

Lord Lieutenant to make General Regulations; 31.

Salary of Petty Sessions Clerk may be withheld in case of his not duly accounting for Fines, &c.; 32.

Clerk liable to be dismissed in like Manner as before the passing of this Act; 33.

Nothing herein to affect the Duties of Petty Sessions Clerks to account for Fines; 34.

"Petty Sessions (Ireland) Act, 1851," incorporated with this Act; 35.

Act to extend to Ireland only; 36.

(Ireland.)

A

BILL

[AS AMENDED IN COMMITEE]

TO

Authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend the Petty Sessions (Ireland) Act, 1851.

Preamble. 14 & 15 Vict. c. 93.

WHEREAS it is expedient to authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend "The Petty Sessions (Ireland) Act, 1851:" Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

I. In the Construction of this Act, the following Words and Expressions shall, if not inconsistent with the Context, have the Meanings herein-after assigned to them; (that is to say,) "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland; "County" shall include Riding and any Part of a County or Riding where Quarter Sessions are held, and shall include County of a City and County of a Town; "District" shall mean Petty Sessions District; "Clerk" shall mean Petty Sessions Clerk, and shall include the Clerk of the Justices of any Borough entitled to take Fees; "Justice" shall mean Justice of the Peace, and shall

include the Chief Magistrate for the Time being, or the Borough Justices of any Corporate Town; "Treasurer" shall mean Treasurer of the County or Borough, as the Case may be, and shall, as regards the County of Dublin, mean the Finance Committee, or Secretary of the Grand Jury, as the Case may be; and "Assizes," as regards the County of Dublin, shall be held to mean Presenting Term.

Short Title.

II. This Act may be cited for all Purposes as "The Petty Sessions (Ireland) Amendment Act, 1857."

From 1st Day of Jan. 1858, Petty Sessions Clerks shall be paid by Salaries instead of Fees.

III. From and after the First Day of January One thousand eight hundred and fifty-eight, the Clerks of Petty Sessions in Ireland shall be paid by Salaries instead of Fees, in the Manner and subject to the Provisions herein-after mentioned.

The Clerk of each Petty Sessions shall transmit a Statement of Fees, &c. received by him in respect of his Office to the Clerk of the Peace of the County.

IV. The Clerk of each Petty Sessions District in each County in Ireland shall, on or before the First Day of September One thousand eight hundred and fifty-seven, and at any other Time when required so to do by the Clerk of the Peace, transmit to the Clerk of the Peace of the County within which such Petty Sessions are held a Statement in Writing of all lawful Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the Three Years then next preceding, as nearly as the same can be ascertained; and in case a Petty Sessions District be situated in Two Counties, then such Statement shall be transmitted to the Clerk of the Peace of each such County; and all such Statements shall be laid by such Clerk of the Peace before the Justices at the next Quarter Sessions for the Division of the County in which such Petty Sessions is held.

Justices at Quarter Sessions shall inquire into Duties of Petty Sessions Clerks within the County, and Amount of Fees, &c. received by them, and recommend that such annual Salaries in lieu of Fees shall be paid to such Clerks as they think fit, subject

V. The Justices of every County, County of a City, and County of a Town in Ireland, at the Quarter Sessions held for each Division of such County, or such County of a City or County of a Town, next after the passing of this Act, or at some Adjournment thereof, shall inquire into the Nature of the Duties of the Clerk of each Petty Sessions held within such Division, or within such County of a City or County of a Town, and of all Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the Three Years then next preceding, as nearly as the same can be ascertained, and shall recommend to the Lord Lieutenant that such annual Salary shall be paid to such Clerk in lieu of Fees and other Payments, as to them shall seem fit, regard being had to the Extent of the Duties of such Clerk; and every such Recommendation, being accompanied by a Statement of the Amount of Fees received at each such Petty Sessions

Sessions during each of the Three Years next preceding, as nearly as the same can be ascertained, and being signed by a Majority of the Justices then present, shall be transmitted to the Lord Lieutenant: Provided always, that the Clerk of the Peace shall publish a Notice in some Newspaper circulating in the County Ten Days at the least before the Quarter Sessions at which such Inquiry is to be held, stating the Time and Place appointed for such Inquiry.

Approval of Lord Lieutenant.

VI. The Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration; and thereupon the Justices shall, at some Quarter Sessions or Adjournment thereof, of which Notice shall be given in manner aforesaid Seven Days at least beforehand, reconsider their said Recommendation, and may alter or amend it.

Lord Lieutenant may approve of such Recommendation, or refer it back for Re-consideration.

VII. If the Lord Lieutenant shall finally approve of the Recommendation of the Justices, he shall, by Order under the Hand of the Chief or Under Secretary, direct that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall have been finally fixed by such Justices, and approved by the Lord Lieutenant, to commence from the First Day of January One thousand eight hundred and fifty-eight, and to be payable by Two equal half-yearly Payments; and a Copy of every such Order shall be transmitted to the Secretary of the Grand Jury, and Notice thereof shall be published in the Dublin Gazette.

On final Approval, Lord Lieutenant shall make an Order accordingly.

Order to be published in Dublin Gazette.

VIII. If the Justices neglect to transmit such Recommendation to the Lord Lieutenant, or to re-consider and alter or amend such Recommendation, as the Case may be, the Lord Lieutenant may direct that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall appear to be fair and reasonable, and to commence from the First Day of January One thousand eight hundred and fifty-eight.

If the Justices neglect to transmit Recommendation, Lord Lieutenant may direct Clerk to be paid by Salary in lieu of Fees.

IX. The Salary of any Clerk under any such Order shall be the Remuneration for all Business which such Clerk may by reason of his Office be called upon to perform, save the making of Copies of Informations or Complaints, and no other Payment shall be made for any such Business, except the Fee of Sixpence for any Copy of an Information or Complaint.

Salary to be Remuneration for Business performed, save making Copies of Informations, &c.

X. The Justices at Quarter Sessions may at any Time, but not more frequently than once in every Two Years after the First Day of

Justices may from Time to Time vary the Amount

of Salary, subject to the like Approval.

January One thousand eight hundred and fifty-nine, re-consider the Salary appointed to be paid to the Clerk (if Notice shall have been given that a Motion will be made for such Purpose in the Manner hereinbefore provided), and may recommend to the Lord Lieutenant that such Salary should be increased or diminished, and fixed at such Sum as to them shall seem proper; and any such new Recommendation, and any Order of the Lord Lieutenant to be made thereon, shall be dealt with in the same Manner in all respects, and have the like Operation and Effect, as any original Recommendation under this Act, and Order of the Lord Lieutenant thereon.

Grand Jury to present Amount of Salaries of Clerks of Petty Sessions.

XI. The Salary of any Clerk in any County under any such Order shall be payable by the County within which such Petty Sessions District is situate; and the Grand Jury of every such County is hereby required and empowered, without Application at Presentment Sessions, from Time to Time, at each Assizes, to make Presentment of the Sums payable in respect of such Salaries half-yearly to be raised off the County at large; the First Presentment to be made at the Spring Assizes of One thousand eight hundred and fifty-eight, and in the County of Dublin at the First Presenting Term of One thousand eight hundred and fifty-eight; and if the Grand Jury shall refuse or neglect to make such Presentment, the Court or Judge shall order the Amount of such Salaries to be raised off such County, and such Order shall have the Force of a Presentment, and the Amount therein specified shall be raised accordingly.

Clause A. When Petty Sessions District in Two Counties, Salaries, &c. to be apportioned between such Counties.

XII. Where any Petty Sessions District shall be locally situate in Two Counties, it shall be lawful for the Lord Lieutenant, under the Hand of the Chief or Under Secretary, to apportion the Amount of the Salary which may be payable to the Clerk of such Petty Sessions between such Counties, and the Proportion of such Salary payable by each County shall be presented and raised in the Manner directed in the last preceding Section.

Clerks shall account for Fees, and pay over Amount to Treasurer of County.

XIII. On and after the First Day of January One thousand eight hundred and fifty-eight, the Clerk shall cause all Fees received or receivable by him by virtue of his Office, save the Fee of Sixpence for each Copy of an Information or Complaint, to be duly and regularly entered in One or more Books to be kept for that Purpose, distinguishing the Fees received under their several Heads, and shall render a true and faithful Account in Writing to the Treasurer of the County of all such Fees, at such Times, and in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied

accompanied by such Vouchers, as the Lord Lieutenant shall from Time to Time think proper to direct; and the Treasurer shall audit such Account, and in each County shall lay the same before the Grand Jury at each Assizes; and the said Clerk in each County shall from Time to Time pay over the Amount of such Fees to the County Bank, to the Credit of the Treasurer, and to be applied in Reduction of the Rates to be raised off the County at large, as the Grand Jury shall from Time to Time direct.

When Salaries of Clerks shall be paid.

XIV. The Sum presented by the Grand Jury for the Salary of any Clerk in any County and the Salary of the Clerk in any Borough shall be paid to him only when it shall appear to the Treasurer that the Clerk has duly accounted for all Fees received or which ought to have been received by him for the Quarter next but One before the Quarter or Half Year or Year in respect to which such Presentment shall have been made.

Penalty on Clerks receiving Gratuities.

XV. No Payment, Reward, Fee, or Gratuity, other than his Salary, and the said Fee of Sixpence for every Copy of an Information or Complaint, shall be received by any such Clerk in respect of any Business or Proceedings at Petty Sessions (other than the Fees he is required to account for under the Provisions of this Act), under Pain of Dismissal, and a Penalty of Ten Pounds for every such Offence, to be recovered as in Cases of Summary Jurisdiction before the Justice or Justices at Petty Sessions.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices.

XVI. Where any Justice or Justices shall remit any Fee, in whole or in part, under the Provisions of "The Petty Sessions (Ireland) Act, 1851," such Justice or Justices shall cause an Entry thereof to be made in the Petty Sessions Fee Book, and of the Reason of the Remission, which Entry shall be signed by such Justice or Justices authorizing such Remission.

Affidavit to be made by Clerk that Accounts of Fees are correct.

XVII. Every Account to be rendered by any Clerk to the Treasurer shall be verified by an Affidavit made by such Clerk before a Justice of the Truth and Accuracy of such Account.

In default of paying over Sum received for Fees, Amount to be levied by Distress.

XVIII. If Default shall at any Time be made by any such Clerk in paying over any Sum of Money due on such Accounts, it shall be lawful for the Treasurer to stay the Payment of any Salary due to such Clerk, or in case of his Death, to his Executors or Administrators, and also to certify such Default to the Justice or Justices at such Petty Sessions, who shall thereupon issue the proper Warrant for the Levy of such Sum of Money as shall have been certified to be due by such Clerk by Distress and Sale of his Goods and

Chattels, in his Hands, or in case of his Death, in the Hands of his Executors or Administrators, and in default of Distress and Sale of Goods such Justice or Justices may commit such Clerk to Gaol, there to be imprisoned for any Period not exceeding Three Months, unless in the meantime the Amount so certified shall be paid; and the Certificate of such Treasurer shall be primâ facie Evidence of such Default.

Power to consolidate Petty Sessions Districts.

XIX. Whenever the Justices at Quarter Sessions shall deem it expedient that any Two or more of the Petty Sessions Districts into which any County or Riding is now or shall be hereafter divided should be consolidated, or whenever they shall be called upon so to do by the Lord Lieutenant, or by a Requisition signed by any Seven or more of the Justices of such County or Riding, they may proceed at the next Quarter Sessions which shall be held for such County or Riding, or at any Adjournment of the same for that Purpose, to consolidate such Two or more Petty Sessions Districts into One Petty Sessions District, and shall fix some One convenient Place within such District at which Petty Sessions shall be held for the same, and the Number of Times in each Week when Petty Sessions shall be regularly held in such District, and shall also ascertain the Salary to be paid to the Clerk of such consolidated District, subject to the Approval of the Lord Lieutenant in manner herein-before expressed and provided.

Clerk of the Peace to enter Particulars of such Consolidation in the Crown Book, and transmit Copy to Secretary of Grand Jury.

XX. Whenever any such Petty Sessions Districts shall be so consolidated, and the Place and Times fixed at which Petty Sessions shall be held therein, the Clerk of the Peace shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before such Grand Jury at the then next ensuing Assizes (and in the County of Dublin at the then next ensuing Presenting Term), and the same shall be printed with the Presentments.

Justices may appoint One Clerk to act for such altered District.

XXI. It shall be lawful for the Justices of such Petty Sessions, so altered as aforesaid, to appoint some One fit Person to act as Clerk of such Petty Sessions, and the Clerk so appointed shall perform the several Duties required to be performed by Clerks of Petty Sessions under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act.

Clause B. Justices at Quarter Sessions, with Consent of Lord Lieutenant, may direct that

XXII. Whenever the Justices at Quarter Sessions shall be of opinion that the Clerk of Petty Sessions in any Petty Sessions District might, with Advantage to the Public Service, discharge the Duties of Clerk of Petty Sessions for his own District and for some other Petty Sessions District or Districts adjoining or near thereto, it shall

shall be lawful for such Justices, subject to the Approval of the Lord Lieutenant, by Order, under the Hands of a Majority of such Justices, to direct that the Petty Sessions Clerk who shall be specified in such Order shall be the Petty Sessions Clerk for the Districts mentioned therein; and such Justices shall ascertain the Salary to be paid to such Clerk, subject to the Approval of the Lord Lieutenant, in the Manner as nearly as may be herein-before expressed and provided; and such Salary shall be specified in such Order; and a Copy of every such Order shall be transmitted to the Justices of such Districts and to the Secretary of the Grand Jury of the County, and shall also be published in the Dublin Gazette, and on such Publication thereof the Clerk specified in such Order shall be the Petty Sessions Clerk for the Districts mentioned therein.

One Petty Sessions Clerk shall act for Two or more Districts.

CLAUSE C.

XXIII. Whenever a Vacancy shall occur by reason of the Death, Resignation, or Dismissal of any Clerk appointed for any Two or more Petty Sessions Districts as aforesaid, it shall be lawful for the Justices of such Petty Sessions Districts to meet at some convenient Place, and to appoint some one fit Person to act as Clerk of such Petty Sessions Districts; and the Clerk so appointed shall perform the several Duties required to be performed by Clerks of Petty Sessions under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act: Provided always, that a Notice shall be served upon every Justice within such Petty Sessions Districts Seven Days at the least previous to such Meeting, of the Time and Place at which such Justices are to meet to consider such Appointment, either by delivering the same personally to each such Justice, or by leaving the same at his usual Place of Abode.

Mode of filling up Vacancies in the Office of Petty Sessions Clerk for Two or more Petty Sessions Districts.

XXIV. If any Person shall be deprived of his Office of Petty Sessions Clerk by reason of such Petty Sessions Districts having been so consolidated, and shall not be re-appointed to the Office of Clerk of any other Petty Sessions, the Justices of the County within which the Petty Sessions Districts so consolidated are situate, assembled at the next Quarter Sessions or at some Adjournment thereof, shall inquire into the net Salary, Fees, and Emoluments received by such Person in respect of the Office of which he had been so deprived, after deducting any Disbursements made thereout or Charges affecting the same, in each of the Three Years next preceding such Inquiry, as nearly as the same can be ascertained, and shall by Order under the Hands of a Majority of such Justices present at such Inquiry direct that such Person shall, from a Time to be specified in such Order, be paid such annual Sum by way of Compensation as shall appear to such Justices fair and reasonable, not exceeding in any Case Two Thirds of the net average annual Amount of such Salary, Fees,

Any Petty Sessions Clerk who shall lose his Office by reason of such Consolidation to be compensated.

and Emoluments; and such annual Sum shall be payable to such Person by the County within which the Petty Sessions Districts so consolidated are situate, and shall be presented and raised off the County, and paid to such Person, in the like Manner and subject to the like Regulations as by this Act provided with respect to the Salaries payable to Clerks of Petty Sessions.

CLAUSE D. Justices at Quarter Sessions may grant Superannuations to Petty Sessions Clerks.

XXV. In case the Clerk of any Petty Sessions District shall become, from confirmed Sickness, Age, or Infirmity, incapable of performing the Duties of his Office, it shall be lawful for the Justices of the County within which such Petty Sessions District is situate, assembled at Quarter Sessions or some Adjournment thereof, by Order under the Hands of a Majority of such Justices, to direct that such Clerk be paid such Annuity by way of Superannuation as shall appear to such Justices fair and reasonable, not exceeding Two Thirds of the net annual Amount of the Salary, Fees, and Emoluments of such Petty Sessions Clerk; and such annual Sum shall be payable to such Person by the County within which such Petty Sessions District is situate, and shall be presented and raised off the County, and paid to such Person, in the like Manner and subject to the like Regulations as by this Act provided with respect to the Salaries payable to Clerks of Petty Sessions.

CLAUSE E. Justices at Petty Sessions to make additional Rules for Performance of Duties of Petty Sessions Clerk, subject to Approval of Lord Lieutenant.

XXVI. The Justices at Petty Sessions shall, on or before the First Day of January One thousand eight hundred and fifty-eight, make General Rules in respect to the Times and Places of the Attendance of the Clerk of Petty Sessions for issuing Summonses out of Petty Sessions, and for the Performance of any other Duties, in addition to those which such Clerk is required to perform under the Provisions of "The Petty Sessions (Ireland) Act, 1851," as to such Justices shall appear necessary; and such Justices shall submit such General Rules so prepared by them to the Lord Lieutenant, for his Approval; and such Rules, when approved by him, shall be printed and observed; and such Justices shall have Power, with the like Approbation, to alter and vary such Rules from Time to Time as they think necessary.

Clerk to enter into a fresh Recognizance.

XXVII. Each Petty Sessions Clerk shall, within such Time as shall be appointed by the Lord Lieutenant after the First Day of January One thousand eight hundred and fifty-eight, enter into a fresh Recognizance conditioned for the due Discharge of the several Duties required of him under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act, with One or more Sureties, and in such Amount as the Lord Lieutenant shall direct; and every such Recognizance

cognizance shall be subject to the several Provisions relating to Recognizances contained in "The Petty Sessions (Ireland) Act, 1851," so far as the same are applicable, and as are not altered by this Act.

Mode of recovering Fees due and unpaid.

XXVIII. If any Proceeding shall be taken by or before any Justice or Justices in respect of which any Fees shall be payable, but shall not be paid, it shall be lawful for any of the said Justices to make Order for Payment of the same, and such Order shall have the like Effect and be enforced in like Manner as any other Order made at Petty Sessions.

All Fines or penal Sums levied in any County (save as herein mentioned) to be paid to the Credit of the Treasurer, to be applied in the Reduction of Rates.

XXIX. So long as the Hereditary Revenues of the Crown shall not be payable to Her Majesty, Her Heirs and Successors, all Fines or penal Sums payable to the Crown in any County or Borough in Ireland, and lodged to the Credit of the Fund arising from Fines and Penalties under the Provisions of "The Fines Act (Ireland), 1851," Section Fourteen, over and above the Charges placed upon the said Fund under the Provisions of the Fifteenth Section of the said Act, save and except any Fines or penal Sums imposed, levied, or received at any of the Divisional Police Offices of Dublin Metropolis, shall be transferred to the Credit of the Treasurer of such County or Borough, as the Case may be, to be applied in the Reduction of the Rates to be raised off the County at large, or in aid of the Borough Fund or Borough Rate, at such Times and in such Manner as the Lord Lieutenant shall direct.

Expenses incurred by Clerk of Peace in carrying into effect this Act to be paid by Counties.

XXX. Any lawful Charges and Expenses which shall be necessarily incurred by the Clerk of the Peace in carrying into effect the Provisions of this Act in any Petty Sessions District in Ireland shall be payable by the County within which such Petty Sessions District is situate, and shall be presented and raised off the County, and paid, in the like Manner and subject to the like Regulations as by this Act provided with respect to the Salaries payable to Clerks of Petty Sessions.

Lord Lieutenant to make General Regulations.

XXXI. The Lord Lieutenant may make such General Regulations as shall seem expedient for carrying into effect the Provisions of this Act, and for checking of the Accounts of such Petty Sessions Clerks.

Salary of Petty Sessions Clerk may be with-

XXXII. The Salary or Allowance payable to any Clerk may be at any Time withheld, on the Certificate of the Chief or Under Secretary that such Clerk has not duly accounted for the Fines for which he

held in case of his not duly accounting for Fines, &c.

shall be required to account, under the Provisions of "The Fines Act (Ireland), 1851."

Clerk liable to be dismissed in like Manner as before the passing of this Act.

XXXIII. Every such Clerk shall be liable to be dismissed from his Office in like Manner as he might have been dismissed therefrom before the passing of this Act, and nothing in this Act shall give him any greater or other Interest in the Tenure of his Office than he might have lawfully claimed if this Act had not passed.

Nothing herein to affect the Duties of Petty Sessions Clerks to account for Fines.

XXXIV. Nothing in this Act shall extend to alter or affect the Duties and Liabilities of Clerks of Petty Sessions to make Entries and render Accounts of all such penal Sums as shall be ordered to be paid at Petty Sessions under the Provisions of "The Fines Act (Ireland), 1851."

"Petty Sessions (Ireland) Act, 1851," incorporated with this Act.

XXXV. All the Provisions of "The Petty Sessions (Ireland) Act, 1851," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Act to extend to Ireland only.

XXXVI. This Act shall extend to Ireland only, and shall not affect the Borough of Dublin or the Dublin Metropolitan Police District, or the Borough of Belfast and the District of the Petty Sessions of the said Borough.

Clerks of Petty Sessions (Ireland).

A

BILL

[AS AMENDED IN COMMITTEE]

To authorize the Payment of Clerks of Petty Sessions in Ireland by Salaries instead of Fees, and to amend the Petty Sessions (Ireland) Act, 1851.

(*Prepared and brought in by Mr. Herbert and Mr. Attorney General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 28 *July* 1857.

[Bill 164.]

Under 2 oz.

Coinage Offences Bill.

REPORT.

This Bill has been considered by Mr. Hodgson of the Treasury, who now superintends the Mint Prosecutions, and several Amendments have been introduced at his Suggestion, and some at the Suggestion of Mr. Powell, formerly Solicitor to the Mint.

Section 4. makes the unlawful Possession of Clippings of the Coin punishable.

Section 7. of the 2 W. 4. c. 34. made a subsequent uttering of base Coin a Felony, and Section 8. of the same Act made a subsequent Possession of base Coin a Felony, punishable in the same Manner; but if a Man had Possession of base Coin after he had been convicted of uttering, or vice versâ, there was no cumulative Punishment. This has been stated to be a common Occurrence, and therefore the Provision has been altered so as to make an uttering after a Conviction for having in possession, and vice versâ, a Felony.

At present, whenever a Person is indicted for a subsequent Offence relating to the Coin, it is necessary to set out the former Indictment at length upon the Record, and also to have a formal Record of the former Conviction drawn up, and to produce a certified Copy thereof; this leads to useless Expense, and sometimes to a Failure of Justice by reason of a Variance between the Record set out and the certified Copy. It has, therefore, been considered better to place the Law on this Subject precisely on the same Footing as in Cases of Prosecution for subsequent Felonies. Section 10. therefore makes it sufficient merely to allege that the Defendant was convicted of an Offence relating to the Coin, and renders a Certificate containing the Substance and Effect (omitting the formal Part) of the previous Conviction sufficient Proof. This Clause is framed in strict Accordance with the 7 & 8 G. 4. c. 28. s. 11. and 14 & 15 Vict. c. 19. s. 2.

At present the previous Conviction is always put in Evidence before the Case goes to the Jury; it may deserve Consideration whether this should not be postponed till the Verdict has been given on the subsequent Charge, in like Manner as in Cases of Felony where a former Conviction is charged.

At present the Costs of Prosecutions carried on by the Mint are paid by the Treasury, and the same Fund is charged with these Costs

as in Cases of Felony. The Treasury have no proper Machinery for ascertaining and paying these Costs. When the Prosecutions are in the Country they are conducted by Attorneys there, and the Treasury has no Means of exercising a sufficient Control over the Expenditure in them. It appears that the Costs in these Cases amount to some 10,000*l.* a Year, and Mr. Hodgson thinks that a considerable Saving might be made by causing them to be paid in the same Manner as in Cases of Felony; added to which it may often be advisable that the Attorney for the Prosecution should be able to obtain the Costs at the Time when the Witnesses are present, so that he may at once pay them what they may be allowed.

In some Cases Dissatisfaction has been manifested at the Mint not undertaking the Prosecution, and occasionally Convictions have taken place after the Mint has refused to prosecute, where the Case has been carried on by a private Person. To grant Costs in all Cases where the Mint had refused to prosecute might lead to improper Prosecutions; and on the other hand it seems but reasonable that where the Prosecution succeeds the Costs should be paid by the Public.

In order, therefore, to meet these Objects a Clause has been inserted requiring the Court in all Cases prosecuted by the Mint, to grant the Costs, and vesting a Discretion in the Court to grant the Costs in any other Case where a Conviction takes place, but not otherwise.

It has been suggested by Mr. Hodgson, that summary Jurisdiction might be vested in Magistrates to meet Cases of single Utterings; but on consideration this has not been attempted, as Cases where it is essential that a guilty Knowledge should be proved seem peculiarly fitted for the Determination of a Jury.

The 2 W. 4. c. 34. extends to Scotland and Ireland, and the other Acts as to Foreign Coin seem to do so also; they have been altered in their Language so as to harmonize with the 2 W. 4. c. 34.

Section 24., for counterfeiting Coin current in the Colonies, was introduced at the Suggestion of Mr. Powell, of the Mint.

The 2 W. 4. c. 34. s. 5. enacted that whosoever should impair, &c. any Coin, "with Intent to *make*" the same "pass" for the current Coin. It is plain this never could be the Intent; it has been altered to "with Intent" that the same "may pass," &c.; and perhaps it would be still better if it were "with Intent afterwards to utter the same as the current Coin." See Section 3.

The 2 W. 4. c. 34. s. 22. enacts that "where any Gold or Silver "Coin shall be tendered to any Person" who suspects it to be impaired or counterfeit, &c. The Terms would seem to apply only to genuine Gold and Silver Coin, but that is clearly not the Meaning, and

and therefore the Words "where any Coin shall be tendered as the genuine current Gold or Silver Coin," have been substituted, so as to include either genuine or counterfeit Coin.

The Words "shall use any Instrument for the Purpose of bending the same," have been struck out of Section Fifteen at the Instance of Mr. Hodgson, and after Inquiry as to their Introduction into the 16 & 17 Vict. c. 102., by which it appears that they were inserted without sufficient Consideration, and Section Sixteen has been altered accordingly.

Coinage Offences Bill.

CONTENTS.

1. *Counterfeiting the Gold or Silver Coin.*
2. *Colouring counterfeit Coin or any Pieces of Metal with Intent to make them pass for Gold or Silver Coin; colouring or altering genuine Coin, with Intent to make it pass for a higher Coin.*
3. *Impairing the Gold or Silver Coin, with Intent, &c.*
4. *Unlawful Possession of Filings or Clippings of Gold or Silver Coin.*
5. *Buying or selling, &c. counterfeit Gold or Silver Coin for lower Value than its Denomination; importing counterfeit Coin from beyond Seas.*
6. *Uttering counterfeit Gold or Silver Coin.*
7. *Uttering, accompanied by Possession of other counterfeit Coin, or followed by a second uttering.*
8. *Having Three or more Pieces of counterfeit Gold or Silver Coin in possession, &c. with Intent, &c.*
9. *Every Second Offence of uttering, &c., after a previous Conviction, shall be Felony.*
10. *What shall be sufficient Evidence of Conviction for a previous Offence.*
11. *Making, mending, or having Possession of any Coining Tools, Felony.*
12. *Conveying Tools or Monies out of the Mint without Authority, Felony.*
13. *Counterfeiting, &c. Copper Coin.*
14. *Uttering base Copper Coin.*
15. *Defacing the Coin by stamping Words thereon.*
16. *Tender of Coin so defaced not to be a legal Tender, and Penalty for uttering same.*
17. *Counterfeiting Foreign Gold and Silver Coin.*
18. *Bringing such counterfeit Coin into the Realm, or passing it.*
19. *Penalty for tendering in Payment such counterfeit Coin.*
20. *Persons counterfeiting Foreign Coin other than Gold and Silver Coin.*

21. *Penalty on Persons having more than Five Pieces of such counterfeit Foreign Coin in their Possession.*

22. *Coin suspected to be diminished or counterfeit may be cut by any Person to whom it is tendered. Who shall bear the Loss.*

23. *Provision for the Discovery and Seizure of counterfeit Coin and coining Tools, for securing them as Evidence, and for ultimately disposing of them.*

24. *Counterfeiting, &c. Coin current in the Colonies.*

25. *Venue.*

26. *What shall be sufficient Proof of Coin being counterfeit.*

27. *Where the counterfeiting Coin shall be complete.*

28. *Rules of Interpretation as to current Coin, counterfeit Coin.*

29. *What shall be Custody and Possession.*

30. *No Certiorari, &c.*

31. *Venue in Proceedings against Persons acting under this Act. Notice of Action. General Issue. Tender of Amends, &c.*

32. *Trial of Offences in Scotland.*

33. *Offences committed at Sea.*

34. *Fine and Sureties for the Peace, in what Cases.*

35. *Hard Labour and Solitary Confinement.*

36. *Costs of Prosecutions.*

37. *Commencement of Act.*

A

B I L L

INTITULED

An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.

Preamble.

WHEREAS it is expedient to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Counterfeiting the Gold or Silver Coin.

I. Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

2 W. 4. c. 34. s. 3.

Colouring counterfeit Coin or any Pieces of Metal with Intent to make them

II. Whosoever shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour of Gold or of Silver, wash, colour, or case over any Coin whatsoever resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; and whosoever shall gild or silver, or shall, with any Wash

pass for Gold or Silver Coin; 2 W. 4. c. 34. s. 4.

Wash or Materials capable of producing the Colour of Gold or of Silver, wash, colour, or case over any Piece of Silver or Copper, or of coarse Gold or coarse Silver, or of any Metal or Mixture of Metals respectively, being of a fit Size and Figure to be coined, and with Intent that the same shall be coined into false and counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin; and whosoever shall gild, or shall, with any Wash or Materials capable of producing the Colour of Gold, wash, colour, or case over any of the Queen's current Silver Coin, or file or in any Manner alter such Coin, with Intent to make the same resemble or pass for any of the Queen's current Gold Coin; and whosoever shall gild or silver, or shall, with any Wash or Materials capable of producing the Colour of Gold or Silver, wash, colour, or case over any of the Queen's current Copper Coin, or file or in any Manner alter such Coin with Intent to make the same resemble or pass for any of the Queen's current Gold or Silver Coin, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

colouring or altering genuine Coin, with Intent to make it pass for a higher Coin.

Impairing the Gold or Silver Coin, with Intent, &c. 2 W. 4. c. 34. ss. 5. 19.

III. Whosoever shall impair, diminish, or lighten any of the Queen's current Gold or Silver Coin, with Intent that the Coin so impaired, diminished, or lightened may pass for the Queen's current Gold or Silver Coin, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Unlawful Possession of Filings or Clippings of Gold or Silver Coin.

IV. Whosoever shall unlawfully have in his Custody or Possession any Filings or Clippings, or any Gold or Silver Bullion, which shall have been obtained by impairing, diminishing, or lightening any of the Queen's current Gold or Silver Coin, knowing the same to have been so obtained, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

V. Who-

V. Whosoever shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling, or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, at or for a lower Rate or Value than the same by its Denomination imports or was coined or counterfeited for; and whosoever shall import into the United Kingdom from beyond the Seas any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Buying or selling, &c. counterfeit Gold or Silver Coin for lower Value than its Denomination; importing counterfeit Coin from beyond Seas. 2 W. 4. c. 34. ss. 6. 19.

VI. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

Uttering counterfeit Gold or Silver Coin. 2 W. 4. c. 34. ss. 7. 19.

VII. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and shall, at the Time of such tendering, uttering, or putting off, have in his Custody or Possession, besides the false or counterfeit Coin so tendered, uttered, or put off, any other Piece of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, or shall, either on the Day of such tendering, uttering, or putting off, or within the Space of Ten Days then next ensuing, tender, utter, or put off any other false or counterfeit Coin resembling, or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Uttering, accompanied by Possession of other counterfeit Coin, or followed by a second uttering. 2 W. 4. c. 34. ss. 7. 19.

VIII. Whosoever shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling or apparently intended

Having Three or more Pieces

of counterfeit Gold or Silver Coin in possession, &c. with Intent, &c.:
2 W. 4. c. 34. ss. 8. 19.

intended to resemble or pass for any of the Queen's current Gold or Silver Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Three Years with or without Hard Labour, and with or without Solitary Confinement.

Every Second Offence of uttering, &c. after a previous Conviction, shall be Felony.
2 W. 4. c. 34. ss. 7. 19.

IX. Whosoever, having been convicted, either before or after the passing of this Act, of any such Misdemeanor, or Crime and Offence, as in any of the Three last preceding Sections mentioned, shall afterwards commit any of the Misdemeanors, or Crimes and Offences, in any of the said Sections mentioned, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

What shall be sufficient Evidence of Conviction for a previous Offence.
2 W. 4. c. 34. s. 9.
7 & 8 G. 4. c. 28. s 11.

X. Where any Person shall have been convicted of any Offence against this Act, or any former Act relating to the Coin, and shall afterwards be indicted for any Offence against this Act committed subsequent to such Conviction, it shall be sufficient in any Indictment for any such subsequent Offence, to state that the Offender was at a certain Time and Place convicted of an Offence relating to the Coin, without otherwise describing the previous Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the previous Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk or Officer, shall, upon Proof of the Indentity of the Person of the Offender, be sufficient Evidence of the previous Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and for every such Certificate a Fee of Six Shillings and Eight-pence, and no more, shall be demanded or taken; and if any such Clerk, Officer, or Deputy shall utter a false Certificate of any Indictment and Conviction for any such previous Offence, knowing the same to be false, or if any Person other than such Clerk, Officer, or Deputy shall sign any such Certificate as such Clerk, Officer, or Deputy, or shall utter any such Certificate with a false or counterfeit Signature thereto, knowing the same to be false or counterfeit, every such Offender shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted

convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Making, mending, or having Possession of any Coining Tools, Felony. 2 W. 4. c. 34. ss. 10. 19.

XI. Whosoever shall knowingly, and without lawful Authority (the Proof of which Authority shall lie on the Party accused), make or mend, or begin or proceed to make or mend, or buy or sell, or shall, knowingly and without lawful Excuse (the Proof of which Excuse shall lie on the Party accused), have in his Custody or Possession any Puncheon, Counter-puncheon, Matrix, Stamp, Die, Pattern, or Mould in or upon which there shall be made or impressed, or which will make or impress, or which shall be intended to make or impress, the Figure, Stamp, or apparent Resemblance of both or either of the Sides of any of the Queen's current Gold or Silver Coin, or any Part or Parts of both or either of such Sides; and whosoever shall, without lawful Authority (the Proof whereof shall lie on the Party accused), make or mend, or begin or proceed to make or mend, or buy or sell, or shall, without lawful Excuse (the Proof whereof shall lie on the Party accused), have in his Custody or Possession any Edger, Edging Tool, Collar, Instrument, or Engine adapted and intended for the marking of Coin round the Edges with Letters, Grainings, or other Marks or Figures apparently resembling those on the Edges of any of the Queen's current Gold or Silver Coin, knowing the same to be so adapted and intended as aforesaid; and whosoever shall, without lawful Authority, to be proved as aforesaid, make or mend, or begin or proceed to make or mend, or buy or sell, or shall, without lawful Excuse, to be proved as aforesaid, have in his Custody or Possession, any Press for Coinage, or any Cutting Engine for cutting by Force of a Screw or of any other Contrivance round Blanks out of Gold, Silver, or other Metal, knowing such Press to be a Press for Coinage, or knowing such Engine to have been used or to be intended to be used for or in order to the counterfeiting of any of the Queen's current Gold or Silver Coin, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Conveying Tools or Monies out of the Mint without Authority, Felony.

XII. Whosoever shall, without lawful Authority (the Proof whereof shall lie upon the Party accused), knowingly convey out of any of Her Majesty's Mints any Puncheon, Counter-puncheon, Matrix, Stamp, Die, Pattern, Mould, Edger, Edging Tool, Collar, Instrument,

2 W. 4. c. 34. ss. 11, 19.

Instrument, Press, or Engine used or employed in or about the coining of Coin, or any useful Part of any of the several Matters aforesaid, or any Coin, Bullion, Metal or Mixture of Metals, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life, or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Four Years, with or without Hard Labour, and with or without Solitary Confinement.

Counterfeiting, &c. Copper Coin. 2 W. 4. c. 34. ss. 12. 19.

XIII. Whosoever shall falsely make or counterfeit any Coin resembling or apparently intended to resemble to pass for any of the Queen's current Copper Coin; and whosoever shall knowingly, and without lawful Authority (the Proof of which Authority shall lie on the Party accused), make or mend, or begin or proceed to make or mend, or buy or sell, or shall knowingly, and without lawful Excuse (the Proof of which Excuse shall lie on the Party accused), have in his Custody or Possession any Instrument, Tool, or Engine adapted and intended for the counterfeiting any of the Queen's current Copper Coin; and whosoever shall buy, sell, receive, pay, or put off, or offer to buy, sell, receive, pay, or put off, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, at or for a lower Rate or Value than the same by its Denomination imports or was coined or counterfeited for, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Uttering base Copper Coin. 2 W. 4. c. 34. ss. 12. 19.

XIV. Whosoever shall tender, utter, or put off any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, or shall have in his Custody or Possession Three or more Pieces of false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Copper Coin, knowing the same to be false or counterfeit, and with Intent to utter or put off the same, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding One Year, with or without Hard Labour, and with or without Solitary Confinement.

XV. Who-

Defacing the Coin by stamping Words thereon.
16 & 17 Vict. c. 102. s. 1.

XV. Whosoever shall deface any of the Queen's current Gold, Silver, or Copper Coin, by stamping thereon any Names or Words, whether such Coin shall or shall not be thereby diminished or lightened, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to Fine or Imprisonment, or to both Fine and Imprisonment.

Tender of Coin so defaced not to be a legal Tender, and Penalty for uttering same.
16 & 17 Vict c. 102. s. 2.

XVI. No Tender of Payment in Money made in any Gold, Silver, or Copper Coin so defaced by stamping as in the last preceding Section mentioned shall be allowed to be a legal Tender; and whosoever shall tender, utter, or put off any Coin so defaced shall, on Conviction thereof before Two Justices, be liable to forfeit and pay any Sum not exceeding Forty Shillings: Provided, that it shall not be lawful for any Person to proceed for any such last-mentioned Penalty without the Consent, in England or Ireland, of Her Majesty's Attorney General for England or Ireland respectively, or in Scotland of the Lord Advocate.

Counterfeiting Foreign Gold and Silver Coin.
37 G. 3. c. 126. s. 2.

XVII. Whosoever shall make or counterfeit any Kind of Coin not the proper Coin of this Realm, nor permitted to be current within the same, but resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Bringing such counterfeit Coin into the Realm or passing it.
37 G. 3. c. 126. s. 3.

XVIII. Whosoever shall bring into this Realm any such false or counterfeit Coin resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, to the Intent to utter the same within this Realm, or within any Dominions of the same, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalty for tendering in Payment

XIX. Whosoever shall utter or tender in Payment, or give in Exchange, or pay or put off to any Person, any such false or counterfeit

such counterfeit Coin. 37 G. 3. c. 126. s. 4.

counterfeit Coin, resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be imprisoned for the Term of Six Months, and find Sureties for his good Behaviour for Six Months more, to be computed from the End of the said First Six Months; and whosoever, having been so convicted, shall afterwards commit the like Offence of uttering, or tendering in Payment, or giving in Exchange, or paying, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be imprisoned for the Term of Two Years, and find Sureties for his good Behaviour for Two Years more, to be computed from the End of the said First Two Years; and whosoever, having been so convicted of a Second Offence, shall afterwards offend a Third Time, in uttering or tendering in Payment, or giving in Exchange, or paying, or putting off any such false or counterfeit Coin as aforesaid, knowing the same to be false or counterfeit, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for Life or for any Term not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

Persons counterfeiting Foreign Coin other than Gold and Silver Coin. 43 G. 3. c. 139. s. 3.

XX. Whosoever shall make, coin, or counterfeit any Kind of Coin not the proper Coin of this Realm, nor ordered by the Royal Proclamation of Her Majesty to be deemed and taken as current Money of this Realm, or any Part thereof, but resembling or apparently intended to resemble or pass for any Copper Coin, or any other Coin made of any Metal or mixed Metals of less Value than the Silver Coin of any Foreign Prince, State, or Country, shall, in England and Ireland, be guilty of a Misdemeanor, and in Scotland of a Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, for the First Offence to be imprisoned for any Term not exceeding One Year, and for the Second Offence to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Penalty on Persons having more

XXI. Whosoever shall have in his Custody or Possession, without lawful Excuse, any greater Number of Pieces than Five Pieces of

false

false or counterfeit Coin, resembling or apparently intended to resemble or pass for any Gold or Silver Coin of any Foreign Prince, State, or Country, or any such Copper or other Coin as is in the last preceding Section mentioned, shall, on Conviction thereof, before any Justice of the Peace, forfeit and lose all such false and counterfeit Coin, which shall be cut in Pieces and destroyed by Order of such Justice, and shall for every such Offence forfeit and pay any Sum of Money not exceeding Forty Shillings nor less than Ten Shillings for every such Piece of false or counterfeit Coin which shall be found in the Custody of such Person, One Moiety to the Informer, and the other Moiety to the Poor of the Parish where such Offence shall be committed; and in case any such Penalty shall not be forthwith paid, it shall be lawful for any such Justice to commit the Person who shall have been adjudged to pay the same to the Common Gaol or House of Correction, there to be kept to Hard Labour for the Space of Three Months, or until such Penalty shall be paid.

than Five Pieces of such counterfeit Foreign Coin in their Possession. 43 G. 3. c. 139. s. 6. 37 G. 3. c. 126. s. 6.

XXII. Where any Coin shall be tendered as the Queen's current Gold or Silver Coin to any Person, who shall suspect the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such Person to cut, break, bend, or deface such Coin; and if any Coin so cut, broken, bent, or defaced shall appear to be diminished otherwise than by reasonable wearing, or to be counterfeit, the Person tendering the same shall bear the Loss thereof; but if the same shall be of due Weight, and appear to be lawful Coin, the Person cutting, breaking, bending, or defacing the same is hereby required to receive the same at the Rate it was coined for; and if any Dispute shall arise, whether the Coin so cut, broken, bent, or defaced be diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary Manner by any Justice of the Peace, who is hereby empowered to examine upon Oath as well the Parties as any other Person, in order to the Decision of such Dispute; and the Tellers at the Receipt of Her Majesty's Exchequer, and their Deputies and Clerks, and the Receivers General of every Branch of Her Majesty's Revenue, are hereby required to cut, break, or deface, or cause to be cut, broken, or defaced, every Piece of counterfeit or unlawfully-diminished Gold or Silver Coin which shall be tendered to them in Payment of any Part of Her Majesty's Revenue.

Coin suspected to be diminished or counterfeit may be cut by any Person to whom it is tendered. Who shall bear the Loss. 2 W. 4. c. 34. s. 13

XXIII. If any Person shall find or discover in any Place whatever, or in the Custody or Possession of any Person having the same without lawful Excuse, any false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold, Silver, or Copper Coin, or any Instrument, Tool, or Engine whatsoever adapted and intended for the counterfeiting of any such Coin, it

Provision for the Discovery and Seizure of counterfeit Coin and coining Tools, for securing

them as Evidence, and for ultimately disposing of them.
2 W. 4. c. 34. s. 14.
37 G. 3. c. 126. s. 7.
43 G. 3. c. 139. s. 7.

shall be lawful for the Person so finding or discovering and he is hereby required to seize the same, and to carry the same forthwith before some Justice of the Peace; and where it shall be proved, on the Oath of a credible Witness before any Justice of the Peace, that there is reasonable Cause to suspect that any Person has been concerned in counterfeiting the Queen's current Gold, Silver, or Copper Coin, or any such Foreign or other Coin as in this Act before-mentioned, or has in his Custody or Possession any such counterfeit Coin, or any Instrument, Tool, or Engine whatsoever, adapted and intended for the counterfeiting of any such Coin, it shall be lawful for such Justice, by Warrant under his Hand, to cause any Place whatsoever belonging to or in the Occupation or under the Control of such suspected Person to be searched, either in the Day or in the Night, and if any such counterfeit Coin, or any such Instrument, Tool, or Engine, shall be found in any Place so searched, to cause the same to be seized and carried forthwith before some Justice of the Peace; and wherever any such counterfeit Coin, or any such Instrument, Tool, or Engine as aforesaid, shall in any Case whatever be seized and carried before a Justice of the Peace, he shall cause the same to be secured, for the Purpose of being produced in Evidence against any Person who may be prosecuted for any Offence against this Act; and all counterfeit Coin, and all Instruments, Tools, and Engines adapted and intended for the counterfeiting of Coin, after they shall have been produced in Evidence, or where they shall have been seized, and shall not be required to be produced in Evidence, shall forthwith be delivered up to the Officers of Her Majesty's Mint, or to their Solicitor, or to any Person authorized by them or him to receive the same.

Counterfeiting, &c. Coin current in the Colonies.

XXIV. Whosoever shall falsely make or counterfeit any Coin, not being the Queen's current Coin, but being lawfully current in any of Her Majesty's Colonies or Possessions abroad; or shall, without lawful Authority (the Proof whereof shall lie on the Party accused), make or mend, or begin or proceed to make or mend, or buy or sell, or shall, without lawful Excuse (the Proof whereof shall lie on the Party accused), have in his Custody or Possession any Mould, Instrument, Tool, or Engine adapted to and intended for the false making or counterfeiting of any such Coin as is in this Section before mentioned, knowing the same to be so adapted and intended, shall, in England and Ireland, be guilty of Felony, and in Scotland of a high Crime and Offence, and, being convicted thereof, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years and not less than Three Years,—or to be imprisoned for any Term not exceeding Three Years, with or without Hard Labour, and with or without Solitary Confinement.

XXV. Where

Venue.
2 W. 4. c. 34. s. 15.

XXV. Where Two or more Persons, acting in concert in different Counties or Jurisdictions, shall commit any Offence against this Act, all or any of the said Offenders may be dealt with, indicted, tried, and punished, and their Offence laid and charged to have been committed, in any One of the said Counties or Jurisdictions, in the same Manner as if the Offence had been actually and wholly committed within such One County or Jurisdiction: Provided, that Crimes and Offences against this Act committed in Scotland shall be proceeded against and tried in Scotland in such Manner and Form as Crimes and Offences generally have been heretofore tried in that Country.

What shall be sufficient Proof of Coin being counterfeit.
2 W. 4. c. 34. s. 17.

XXVI. Where, upon the Trial of any Person charged with any Offence against this Act, it shall be necessary to prove that any Coin produced in Evidence against such Person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the Evidence of any Moneyer or other Officer of Her Majesty's Mint, but it shall be sufficient to prove the same to be false or counterfeit by the Evidence of any other credible Witness.

Where the counterfeiting Coin shall be complete.
2 W. 4. c. 34. s. 3. in part.

XXVII. Every Offence of falsely making or counterfeiting any Coin against the Provisions of this Act shall be deemed to be complete, although the Coin so made or counterfeited shall not be in a fit State to be uttered, or the counterfeiting thereof shall not be finished or perfected.

Rules of Interpretation as to currentCoin, counterfeit Coin.
2 W. 4. c. 34. s. 21.

XXVIII. Where "the Queen's current Gold or Silver Coin," or "the Queen's current Copper Coin," shall be mentioned in any Part of this Act, the same shall be deemed to include and denote any Gold or Silver Coin or any Copper Coin respectively coined in any of Her Majesty's Mints, and lawfully current in any Part of Her Majesty's Dominions, whether within the United Kingdom or otherwise; and any of the current Coin which shall have been gilt, silvered, washed, coloured, or cased over, or in any Manner altered so as to resemble or be apparently intended to resemble or pass for any of the Queen's current Coin of a higher Denomination, shall be deemed and taken to be counterfeit Coin within the Intent and Meaning of those Parts of this Act wherein Mention is made of "false or counterfeit Coin resembling or apparently intended to resemble or pass for any of the Queen's current Gold or Silver Coin."

What shall be Custody and Possession.
2 W. 4. c. 34. s. 21.

XXIX. Where the having any Matter in the Custody or Possession of any Person is in this Act expressed to be an Offence, if any Person shall have any such Matter in his personal Custody or Possession, or shall knowingly and wilfully have any such Matter in any Dwelling House or other Building, Lodging, Apartment, Field, or

other Place, open or inclosed, whether belonging to or occupied by himself or not, and whether such Matter shall be so had for his own Use or Benefit, or for that of another, every such Person shall be deemed and taken to have such Matter in his Custody or Possession within the Meaning of this Act.

No Certiorari, &c. 37 G. 3. c. 126. s. 8. 43 G. 3. c. 139. s. 8.

XXX. No Conviction for any Offence punishable on summary Conviction under this Act shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that the Party has been convicted, and there be a valid Conviction to sustain the same.

Venue in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue.

Tender of Amends, &c. 2 W. 4. c. 34. s. 22.; and see 37 G. 3. c. 126. s. 9. and 43 G. 3. c. 139. s. 9.

XXXI. All Actions and Prosecutions to be commenced against any Person for anything done in pursuance of this Act shall, in England or Ireland, be laid and tried in the County where the Fact was committed, and shall, in England, Ireland, or Scotland, be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant or Defender One Month at least before the Commencement of the Action; and in any such Action, brought in England or Ireland, the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and in Scotland the Defender may insist on all relevant Defences; and no Plaintiff or Pursuer shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant or Defender; and if, in England or Ireland, a Verdict shall pass for the Defendant, the Plaintiff shall become Nonsuit, or discontinue any such Action after Issue joined, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, or, if in Scotland, the Verdict shall be for the Defender, or if the Pursuer shall abandon the Action, or the Court shall dismiss it as irrelevant or improperly laid, in every such Case the Defendant or Defender shall recover his full Costs as between Attorney and Client, and have the like Remedy for the same as any Defendant or Defender has by Law in other Cases; and though a Verdict shall be given for the Plaintiff or Pursuer in any such Action, such Plaintiff or Pursuer shall not have Costs against the Defendant or Defender, unless the Judge before whom the Trial shall be shall certify his Approbation of the Action and of the Verdict obtained thereupon.

XXXII. All

XXXII. All High Crimes and Offences, and Crimes and Offences against this Act, which may be committed in Scotland, shall be tried according to the Rules and Procedure of the Criminal Law of Scotland. Trial of Offences in Scotland.

XXXIII. All indictable Offences mentioned in this Act which shall be committed within the Jurisdiction of the Admiralty of England or Ireland shall be deemed to be Offences of the same Nature, and liable to the same Punishments, as if they had been committed upon the Land in England or Ireland, and may be dealt with, inquired of, tried, and determined in the same Manner as any other Offences committed within the Jurisdiction of the Admiralty of England or Ireland; and where any of the Crimes and Offences, or High Crimes and Offences mentioned in this Act, shall be committed at Sea, the Courts of Criminal Law of Scotland may inquire, try, and determine the same in the same Manner as if such Crime and Offence, or High Crime and Offence, had been committed in Scotland, provided the Vessel in which the same shall be committed shall be registered in Scotland, or touch at any Part thereof; provided, that nothing herein contained shall alter or affect any of the Laws relating to the Government of Her Majesty's Land or Naval Forces. Offences committed at Sea. 2 W. 4. c. 34. s. 20.

XXXIV. In all Cases where any Person shall be convicted of a Misdemeanor under this Act, it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, to fine the Offender, and to require him to find Sureties for keeping the Peace and being of good Behaviour, both or either; and in all Cases of Felonies in this Act mentioned, it shall be lawful for the Court, if it shall think fit, to require the Offender to find Sureties for keeping the Peace, in addition to any of the Punishments by this Act authorized. Fine and Sureties for the Peace, in what Cases.

XXXV. Where Imprisonment, with or without Hard Labour, may be awarded for any Offence under this Act, the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction; and where Solitary Confinement may be awarded for any Offence under this Act, the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year. Hard Labour and Solitary Confinement.

XXXVI. In all Prosecutions for any Offence against this Act, which shall be conducted under the Direction of the Officers of Her Majesty's Mint, the Court before which such Offence shall be prosecuted or tried shall allow the Expenses of the Prosecution in all Costs of Prosecutions.

respects as in Cases of Felony; and in all Prosecutions for any such Offence, which shall not be so conducted, it shall be lawful for such Court, in case a Conviction shall take place, but not otherwise, to allow the Expenses of the Prosecution in like Manner; and every Order for the Payment of such Costs shall be made out, and the Sum of Money mentioned therein paid, upon the same Terms and in the same Manner in all respects as in Cases of Felony.

Commencement of Act.

XXXVII. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight.

Coinage Offences.

A

B I L L

INTITULED

An Act to consolidate and amend the Statute Law of the United Kingdom against Offences relating to the Coin.

(*Brought from the Lords 23 July* 1857.)

Ordered, by The House of Commons, *to be Printed,* 23 *July* 1857.

[Bill 154.]

Under 3 oz.

A

BILL

TO

Authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales.

WHEREAS the Inclosure Commissioners for England and Wales have, in pursuance of "The Acts for the Inclosure, Exchange, and Improvement of Land," issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Twelfth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Inclosures mentioned in the Schedule may be proceeded with.

I. That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title.

II. In citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use either the Expression "The

Second Annual Inclosure Act, 1857," or "The Acts for the Inclosure, Exchange, and Improvement of Land."

SCHEDULE to which this Act refers.

Inclosure.	County.	Date of Provisional Order.
Saint Lythans Down	Glamorgan	1st May 1856.
Yalberton Tor	Devon	6th January 1857.
Cuddington	Chester	12th February 1857.
Hartlington Moor	York	19th February 1857.
Great Musgrave	Westmoreland	5th February 1857.
Hillbeck	Westmoreland	5th February 1857.
Wolverton	Southampton	19th February 1857.
Rotherfield Greys and Rotherfield Peppard.	Oxford	26th February 1857.
Callington	Cornwall	29th January 1857.
Parracombe	Devon	1st January 1857.
Little Hormead and Layston	Hertford	6th November 1856.
Kirk Hammerton	York	19th March 1857.
Grunty Fen	Cambridge	8th April 1857.
Coventry, No. 2.	Warwick	5th March 1857.
Bigmore Common and Pound Common.	Oxford	7th May 1857.
Stokenchurch	Oxford	21st May 1857.
Hirwain Common	Glamorgan	4th June 1857.
Coedpenmain	Glamorgan	4th June 1857.

Commons Inclosure.

A

BILL

To authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for England and Wales.

(Prepared and brought in by Mr. Massey and Sir George Grey.)

Ordered, by The House of Commons, *to be Printed,* 15 *July* 1857.

[Bill 120.]

Under 1 *oz.*

A

BILL

TO

Amend the Law concerning detached Parts of Counties so far as respects the Establishment of County Constables.

WHEREAS by an Act passed in the Session holden in the Second and Third Years of Her Majesty, Chapter Ninety-three, for the Establishment of County and District Constables by the Authority of Justices of the Peace, it is enacted, that for the Purposes of that Act all detached Parts of Counties shall be considered as forming Part of that County by which they are surrounded, or if partly surrounded by Two or more Counties, then as forming Part of that County with which they have the longest common Boundary, and so much of every such detached Part of any County which is not of itself an entire Hundred, Wapentake, Ward, Rape, Lathe, or such other Division of a County, should be considered as forming Part of that Hundred, Ward, Wapentake, Rape, Lathe, or such other Division whereby it shall be surrounded, in the County of which it shall be considered a Part, for the Purposes of that Act, or if partly surrounded by Two or more Hundreds, Wapentakes, Wards, Rapes, Lathes, or such other Divisions, then as forming Part of that One with which it shall have the longest common Boundary: And whereas

Preamble. 2 & 3 Vict. c. 93. s. 27.

whereas by an Act passed in the Session holden in the Third and Fourth Years of Her Majesty, Chapter Eighty-eight, to amend the firstly recited Act, it is enacted, that it shall be lawful for the Justices of any Two or more neighbouring Counties, in their several General or Quarter Sessions assembled, from Time to Time to agree that such Parts of their several Counties as to them shall seem fit shall for the Purposes of the said Act be considered as forming Part of any other of the said Counties; and whenever any such District shall be so transferred for the Purposes of the said Act from one County to another, with the Consent of the Justices of both the last-mentioned Counties, such District shall be considered for the Purposes of the said Act as if it were detached from the County to which it belongs, and wholly surrounded by the County to which it was so transferred; and all the Provisions contained therein, or in the said firstly recited Act, or in an Act passed in the then last Session of Parliament, intituled "An Act for the better Administration "of Justice in detached Parts of Counties," respecting detached Parts of Counties, shall be taken to apply to such transferred Districts: And whereas by an Act passed in the Session holden in the Seventh and Eighth Years of Her Majesty, Chapter Sixty-one, it is enacted, that every Part of any County in England or Wales which is detached from the main Body of such County shall be considered for all Purposes as forming Part of that County of which it is considered a Part for the Purposes of the Election of Members to serve in Parliament as Knights of the Shire, under the Provisions of an Act passed in the Third Year of the Reign of His late Majesty, intituled "An Act to "settle and to describe the Divisions of Counties and the Limits of "Cities and Boroughs in England and Wales, in so far as respects the "Election of Members to serve in Parliament:" And whereas several Parts of Counties which before the passing of the said Act of the Seventh and Eighth Years of Her Majesty were detached from the main Bodies of such Counties are detached from the main Bodies of the Counties of which by virtue of that Act they are to be considered for all Purposes as forming Part, or may be conveniently united with other Counties under the said secondly recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

3 & 4 Vict. c. 88. s. 2.

7 & 8 Vict. c. 61.

I. The herein-before recited Provisions of the said Act of the Second and Third Years of Her Majesty shall be applicable and be in force to and in relation to all Places detached from the main Bodies of the respective Counties of which, by virtue of the said Act of the Seventh and Eighth Years of Her Majesty, they are to be considered for all Purposes as forming Part; and the herein-before recited Provisions and

2 & 3 Vict. c. 93. s. 27. and 3 & 4 Vict. c. 88. s. 2. not to be affected by 7 & 8 Vict. c. 61.

and Powers of the said Act of the Third and Fourth Years of Her Majesty shall be applicable, and may be exercised, to and in relation to other Parts of Counties, to the same Extent and in the same Manner as if the said Provisions of the said Acts of the Second and Third Years and Third and Fourth Years of Her Majesty had been enacted subsequently to the coming into operation of the said Act of the Seventh and Eighth Years of Her Majesty.

Constables (Detached Parts of Counties).

A

B I L L

To amend the Law concerning detached Parts of Counties so far as respects the Establishment of County Constables.

(*Prepared and brought in by Sir George Grey and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed*, 22 *July* 1857.

[Bill 148.]

Under 1 *oz.*

(Ireland.)

A

BILL

TO

Amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in Ireland.

WHEREAS by an Act of the Eleventh and Twelfth Years of the Reign of Her Majesty, Chapter Seventy-two, Section Three, it is amongst other Matters provided, that the total Number of Officers and Men of the Constabulary Force in Ireland, chargeable as therein mentioned, shall be such as the Lord Lieutenant may from Time to Time consider to be required in each County, City, or Town, but not exceeding in any Year the Number specified in Schedule (A.) to this Act annexed for each such County, City, or Town: And whereas it is expedient that the said Provision of the said recited Act should be amended, so far as relates to the Distribution of said Force, and that further Provision should be made for the Re-distribution of the said Force from Time to Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Preamble. 11 & 12 Vict. c. 72. s. 3.

and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Schedule substituted for Schedule to recited Act.

I. The Schedule to this Act annexed, and the Distribution of the said Constabulary Force therein provided, shall be substituted for the Schedule (A). to the said Act annexed.

Officers of Constabulary Force to be distributed as to the Lord Lieutenant may seem fit.

II. The Inspectors and Head Constables of the said Force included in the Schedule to this Act may be from Time to Time distributed amongst the said Counties, Cities, and Towns respectively, as to the Lord Lieutenant shall seem fit.

Lord Lieutenant, with Advice of Privy Council, may vary such Numbers after the Year 1862.

III. It shall be lawful for the Lord Lieutenant, with the Advice of Her Majesty's Privy Council in Ireland, at the End of *Five* Years from the passing of this Act, and also at the Termination of each succeeding Period of *Five* Years, to alter or vary the Number of Constables and Sub-Constables for each County, City, or Town specified in the Schedule to this Act, to such Number as the Lord Lieutenant, with such Advice as aforesaid, may consider to be required for each such County, City, or Town, but so that the total Number of Officers and Men wholly chargeable to the Consolidated Fund for all the Counties, Cities, and Towns in Ireland shall not exceed the total Number so chargeable for all such Counties, Cities, and Towns under the Provisions of the said recited Act.

Interpretation of Terms.

IV. In the Interpretation of this Act the Words "Lord Lieutenant" shall include any other Chief Governor or Governors of Ireland, and the Word "County" shall include Riding, and also County of a City and County of a Town.

SCHE-

SCHEDULE.

County Inspectors	35	For the whole of Ireland.
Sub-Inspectors	262	
Head Constables	375	

Counties and Ridings.	Constables and Sub-Constables	Counties and Ridings.	Constables and Sub-Constables.
Antrim	259	Londonderry	120
Armagh	175	Longford	191
Carlow	141	Louth	189
Cavan	300	Mayo	349
Clare	400	Meath	284
Cork { East Riding	462	Monaghan	175
Cork { West Riding	300 } 762	Queen's	256
Donegal	326	Roscommon	347
Down	274	Sligo	201
Dublin	231	Tipperary { North Riding	320
Fermanagh	181	Tipperary { South Riding	464 } 784
Galway { East Riding	335	Tyrone	212
Galway { West Riding	334 } 669	Waterford	219
Kerry	268	Westmeath	282
Kildare	220	Wexford	270
Kilkenny	360	Wicklow	199
King's	309		
Leitrim	251		
Limerick	387	Total	9,591

	Constables and Sub-Constables.
COUNTIES AND RIDINGS	9,591
CITIES AND TOWNS—	
Carrickfergus	10
Cork	100
Drogheda	40
Galway	65
Kilkenny	50
Limerick	80
Waterford	70
Total	10,006

Constabulary Force (Ireland).

A

B I L L

To amend the Act of the Eleventh and Twelfth Years of Her Majesty, Chapter Seventy-two, so far as relates to the Distribution of the Constabulary Force in Ireland.

(Prepared and brought in by Mr. Herbert and Mr. Attorney General for Ireland.)

Ordered, by The House of Commons, *to be Printed*, 25 *June* 1857.

[Bill 89.]

Under 1 *oz.*

A

BILL

TO

Make further Provision for the Conveyance of Mails by Railways.

WHEREAS it is expedient to make further Provision for the Conveyance of Mails by Railways: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. It shall be lawful for the Postmaster General, by Notice in the Manner prescribed by an Act of the First and Second Victoria, Chapter Ninety-eight, for providing for the Conveyance of the Mails by Railways, to require that Mails and Post Letter Bags, Mail Guards and other Officers of the Post Office, shall be conveyed and forwarded by any Railway Company on their Railway, pursuant to such last-mentioned Act, at any Rate of Speed which shall not exceed the maximum Rate of Speed prescribed by the Directors of such Railway Company for the Conveyance of Passengers or Goods by any of their Trains, as shown by the Time Tables of any such Railway Company in force at the Time when any such Requisition shall be made; and such Railway Company shall convey and forward such Mails and Post Letter Bags, Mail Guards and other Officers of the Post Office accordingly, provided as high a Rate of Speed as that required shall have been run by any of their Trains as shown by Postmaster General may require the Mails to be conveyed under 1 & 2 Vict. c. 98. at any Rate of Speed not exceeding the maximum Rate prescribed by the Directors for the Conveyance of Passengers as shown by the Time Tables, provided as high

a Rate of Speed shall have been run for Six Weeks previously, and the Board of Trade shall not declare such Speed to be unsafe.

by the Time Tables of any such Railway Company for the Space of *Six* Weeks immediately previous to any such Requisition being made, and provided the Lords of the Committee of Privy Council for Trade and Plantations for the Time being, or any Person appointed by them for that Purpose, shall not by Notice in Writing under their or his Hands or Hand, delivered to the Postmaster General, declare the Rate of Speed so required to be unsafe.

In estimating the Rate of Speed Allowance to be made for Stoppages, &c.

II. In estimating the Rate of Speed required of any Mail Trains, Allowance shall be made for any Difference in the Stoppages required of such Trains and the Stoppages of the other Trains run by such Railway Company, in respect both of the Time during which such Trains shall actually stop or remain at any Station, and of the Time consumed in slackening and regaining Speed on approaching and leaving a Station; and in case of any Difference between the Postmaster General and any Railway Company with regard to the Rate of Speed which may be required under this and the First Section of this Act, or either of them, the same shall be referred to the Decision of the Lords of the Committee of Her Majesty's Privy Council for Trade and Plantations, or of any Person to be from Time to Time appointed by them for that Purpose.

Postmaster General may require a Train or Trains for the exclusive Conveyance of the Mails.

III. It shall be lawful for the Postmaster General, by Notice in the Manner prescribed by the Act of the First and Second Victoria, Chapter Ninety-eight, to require any Railway Company to provide and run on their Railway a Train or Trains consisting of such Carriage or Carriages as the Postmaster General shall direct, to be used and appropriated solely and exclusively to and for the Conveyance of Mails and Post Letter Bags, Mail Guards and other Officers of the Post Office; and such Railway Company shall provide and run such Train or Trains, and convey any such Mails and Post Letter Bags, Mail Guards and other Officers of the Post Office accordingly; and such Railway Company shall not carry or convey any Passengers or Goods by any such Train or Trains, or use the same for any other Purposes of the said Railway Company; and all and every such Train or Trains, together with the Hours or Times for the Dispatch of such Train or Trains, the Places, Times, and Duration of Stoppages, and Times of Arrival, and other Matters and Things relating thereto, shall be regulated or directed by the Postmaster General in like Manner as other Mail Trains; nevertheless the Rate of Speed of any such Train or Trains shall not exceed the maximum Rate of Speed in the First Section of this Act mentioned.

Remuneration for the Trains devoted exclu-

IV. The Amount of Remuneration to be paid by the Postmaster General to any Railway Company for every Train used and appropriated solely and exclusively to and for the Conveyance of Mails and

and Post Letter Bags, Mail Guards and other Officers of the Post Office, provided by such Railway Company under the Third Section of this Act, shall be fixed and agreed upon between the Postmaster General and such Railway Company, or in case of Difference between them shall be determined by Arbitration, in like Manner as is provided by the Act of the First and Second Victoria, Chapter Ninety-eight, for the Determination of the Remuneration for Services to be performed under that Act. sively to the Conveyance of the Mails.

V. It shall be lawful for the Postmaster General, if he shall think fit, in any Notice which he shall give, under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, an Act of the Seventh and Eighth Victoria, Chapter Eighty-five, and of an Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, and of the First and Third Sections of this Act, to any Railway Company, requiring them to forward and convey on their Line of Railway any Mails or Post Letter Bags, Guards or Officers of the Post Office, which or any of which shall be to be brought to such Railway by any Train along another Line of Railway, inasmuch as the Train wherein such Mails or Post Letter Bags shall be brought along such other Line of Railway may be delayed in its Arrival by various Causes, and may arrive late at the Railway Station or Place from which such Mails and Post Letter Bags are appointed in such Notice to be despatched, so that they cannot be conveyed and forwarded at the Hour specified in the Notice, to require that in every such Case all the Services which shall be required by such Notice to be performed at the Hours and Times specified in such Notice respectively shall, in lieu of being performed at those Hours and Times respectively, be performed at Hours and Times respectively later than those Hours and Times respectively by as many Minutes as the Train wherein the Mails or Post Letter Bags, Guards or Officers, appointed to be brought along such other Line of Railway, shall have arrived late as aforesaid, and that in every such Case the whole Time taken or occupied in the Conveyance of the Mails or Post Letter Bags, Guards or Officers, shall not exceed the whole Time allowed for that Purpose in the Time Bills contained in or annexed to the Notice. As to Mail Trains arriving late at Railway Stations.

VI. It shall be lawful for the Postmaster General, if he shall think fit, by giving *Fourteen* Days previous Notice in Writing to any Railway Company of his Intention so to do, to use any of the ordinary Trains which may be running at the Time of the Delivery of such Notice on their Railway, for the Purpose of sending thereby any Mails and Post Letter Bags, either with or without any Guard or other Officer of the Post Office in charge thereof, and to require in such Notice that the Railway Company shall not, either before or after the Expiration of such Notice, alter the Hour or Time of Departure Postmaster General may use ordinary Trains for the Conveyance of the Mails, under certain Regulations.

Departure or Arrival of any such Train, or alter the Times or Places at which any such Train shall stop, or withdraw or discontinue running the same until *Seven* Days shall have elapsed after the Company shall have delivered to the Postmaster General Notice in Writing of such intended Alteration, Withdrawal, or Discontinuance, in which Notice shall be specified full Particulars of any such intended Alteration; or in case the Train shall be to be withdrawn or discontinued, then there shall be specified in such Notice, or shall be annexed thereto, full Time Bills of the Passenger Trains which such Company shall intend to run from and after the Date of such intended Withdrawal or Discontinuance next before and also next after the Hours of the Train so to be withdrawn or discontinued between the Terminal Stations or Points between which the Mails and Post Letter Bags shall have been required by the Postmaster General to be forwarded and conveyed; and in every such Case the Railway Company shall not make any such Alteration, Discontinuance, or Withdrawal, except as aforesaid provided; and when the Postmaster General shall have received any such Notice in Writing from any Railway Company, it shall be lawful for him, after having given *Three* Days Notice in Writing to such Railway Company to that Effect, to send the Mails and Post Letter Bags as aforesaid by any of the Passenger Trains which such Railway Company shall in or with such Notice have stated their Intention to run from and after the Date named in the Notice so given by the Company as aforesaid; and in every such Case it shall not be lawful for such Railway Company to alter the Times of Departure or Arrival of any such last-named Trains, or alter the Times at which the same shall stop or withdraw or discontinue running or forbear from beginning to run the same, until *Seven* Days shall have elapsed after they shall have given a like Notice to the Postmaster General as is herein-before mentioned; and in case of any such Alteration, Withdrawal, or Discontinuance of any of such last-named Trains, it shall be lawful for the Postmaster General, after having given *Three* Days Notice as aforesaid, to send the Mails and Post Letter Bags as aforesaid by any of such Passenger Trains which the Railway Company in or with the Time Bills in such last-named Notice from them as aforesaid shall have stated their Intention to run from and after such last-named Alteration, Discontinuance, or Withdrawal, under the same Conditions and Obligations as aforesaid, and so on toties quoties: Provided always, that after the Receipt by the Postmaster General of any such Notice from any Railway Company as aforesaid, it shall be lawful for him, either before or after the Expiration thereof, to give *Three* Days Notice in Writing to the Railway Company that such Services shall cease and determine, and thereupon, at the Expiration of such *Three* Days Notice, the said Services, and the Remuneration for the same, shall cease and determine.

VII. The

Remuneration for the Service mentioned in the last Section.

VII. The Remuneration to be paid to any Railway Company for forwarding any Mails and Post Letter Bags, as in the last Section mentioned, shall be determined in the same Manner as is provided by the Act of First and Second Victoria, Chapter Ninety-eight, for the Determination of the Remuneration for the Services which the Postmaster General is authorized by that Act to require to be performed: Provided always, that upon the making of any Alteration in the Times or Stoppages of any Train by which any Services as in the last Section mentioned may be performed, or the Withdrawal or Discontinuance of it, as aforesaid, if *One Year* or upwards shall have elapsed since the Date of any Commencement of the Services, or Alterations, Discontinuance, or Withdrawal of a Train, in respect of which an Agreement or Reference to Arbitration shall have been made, a fresh Agreement for the Remuneration to be paid for such Services shall be entered into, or, if the Parties cannot agree, the same shall be referred to Arbitration, as provided in the Seventh Section of the said Act.

Postmaster General may send the Mails by ordinary Trains in charge of the Railway Guards at Three Farthings per Mile for every 112lbs. average aggregate Weight.

VIII. It shall be lawful for the Postmaster General, if he shall think fit, at any Time after giving *Three* Days Notice in Writing to any Railway Company to send any Mails and Post Letter Bags by any ordinary Trains on any Railway of such Railway Company, in charge of the Guards of such Railway Company, at a Charge for the Performance of any such Service by any such Railway Company of *Three Farthings* per Mile for any Weight not exceeding One hundred and twelve Pounds average aggregate Weight of such Mails and Post Letter Bags, and the like Sum of *Three Farthings* per Mile for every One hundred and twelve Pounds average aggregate Weight over and above One hundred and twelve Pounds average aggregate Weight, any Fraction of such Weight over and above every One hundred and twelve Pounds average aggregate Weight to be considered as One hundred and twelve Pounds average aggregate Weight, which Mileage shall be paid for the entire Distance any such Mails and Post Letter Bags shall be conveyed by any One such Railway Company on any One such Service, whether such Mails and Post Letter Bags shall be conveyed by any One or more such Train or Trains, and whether the same shall travel over their own Line of Railway or over the Line or Lines of any other Railway Company, or over any One or more Line or Lines of Railway, and shall be reckoned and computed to commence at the first terminal or other Station from which any such Mails and Post Letter Bags shall be dispatched or sent and conveyed by any such Railway Company by any such Train or Trains, and to terminate and end at the last terminal or other last Station to or at which any such Mails and Post Letter Bags shall be sent or left and conveyed by the same Railway Company

on any One such Service; and the Mails and Post Letter Bags taken up or received or delivered or left at any Place on the Line of any Railway by any such Railway Company between the said first terminal or other first Station, and the said last terminal or other last Station shall be included in the Mileage to be paid for such average aggregate Weight.

Mode of ascertaining the average aggregate Weight of such Mails.

IX. The average aggregate Weight of any Mails and Post Letter Bags to be sent by any ordinary Trains under the Provision for that Purpose contained in the Eighth Section of this Act shall be ascertained and calculated in manner and the Mileage thereupon payable shall be paid in such Proportions as shall, either prior to or after the Commencement of any such Service, be fixed and agreed upon between the Postmaster General and any such Railway Company, or in case of Difference of Opinion between them as shall be regulated or determined by the Lords of the Committee of Privy Council for Trade and Plantations for the Time being, or by any Person to be from Time to Time appointed by the said Lords of the Committee for that Purpose by Writing under their or his Hands or Hand, which Regulation or Determination the said Lords of the said Committee are hereby authorized from Time to Time to revoke or alter as they shall think fit, and to make any other Regulation or Determination in lieu thereof, but so that any Service which may be required by the Postmaster General to be performed by any such Railway Company be not suspended, postponed, or deferred by reason of any Delay which may arise in determining the Amount payable under this Act for any such Service.

Any Railway Company may alter the Times of Dispatch or Arrival of any Trains by which Mails shall be forwarded, under the 8th Section.

X. Any Railway Company may make any Alteration as to the Times of Dispatch or Arrival of any Trains by which Mails and Post Letter Bags shall be sent, under the Provision in the Eighth Section of this Act contained; provided that in the event of any such Trains being rendered no longer serviceable for the Conveyance of Mails and Post Letter Bags, by reason of such Alteration, the Postmaster General may thereupon or at any Time thereafter discontinue the Use thereof without Notice, and the Payment for such Service shall thereupon cease; provided also, that the Postmaster General shall under any Circumstances, be empowered to discontinue the Use of any Train by which Mails and Post Letter Bags shall be sent, under the Provisions in the Sixth and Eighth Sections of this Act respectively contained, upon giving *Seven* Days previous Notice to the Railway Company of his Intention to discontinue any such Service, and upon the Discontinuance of any such Service Payment for the same shall cease.

XI. Every

Every Railway Company required to convey any Mails are to carry and convey the same accordingly.

XI. Every Railway Company shall carry and convey any Mails and Post Letter Bags, and any Mail Guards and other Officers of the Post Office, authorized to be sent or conveyed upon their Railway, under the Provisions of this Act, whenever thereunto required, and shall observe and perform all and every the Directions and Requirements contained in any Notice to be given by the Postmaster General to any such Railway Company, requiring the Mails or Post Letter Bags to be conveyed and forwarded, under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, or of the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or of this Act, or of all or any of them; and every such respective Railway Company shall take up, receive, deliver, and leave all such Mails and Post Letter Bags, and every such Mail Guard or other Officer of the Post Office, as in this Act mentioned, according to the Destinations of such Mails and Post Letter Bags and Mail Guard or other Officer of the Post Office respectively; and every Officer, Servant, and Agent of such Railway Company shall permit any Officer of the Post Office to enter upon any terminal or other Station, and pass to the Platform or other Place where the Train shall stop on the Line of their Railway, for the Purpose of delivering or leaving or receiving or taking away any Mails or Post Letter Bags sent or to be sent under the Provisions of this Act.

Penalty Clause.

XII. If any Railway Company, or any Officer, Servant, or Agent of any Railway Company, shall refuse or neglect to provide or run on their Railway any such Train or Trains as in the Third Section of this Act mentioned, or shall refuse or neglect to carry or convey, or to take up or receive, or deliver or leave, any Mails or Post Letter Bags, or Mail Guards or other Officers of the Post Office, sent or to be sent under the Provisions of this Act, or shall refuse or neglect to observe and perform all and every the Directions and Requirements contained in any Notice to be given by the Postmaster General to any such Railway Company, requiring the Mails or Post Letter Bags to be conveyed and forwarded, under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, or of the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or of this Act, or of all or any of them, or shall refuse or neglect to permit any Officer of the Post Office to enter upon any terminal or other Station of any such Railway Company, and to pass to the Platform or other Place where any Train shall stop, for the Purpose of delivering, leaving, receiving, or taking away any Mails or Post Letter Bags sent or to be sent as aforesaid, then and in every such Case the Railway Company who, or whose Officer, Servant, or Agent, shall so offend, shall for every such

Offence forfeit and pay a Sum not exceeding *Twenty* Pounds, to be recoverable in like Manner as pecuniary Penalties not exceeding Twenty Pounds are by the Act of the First and Second Victoria, Chapter Ninety-eight, authorized to be recovered.

A Mileage Rate payable by the Post Office for each Train to be stated in the Award.

XIII. Every Award or Umpirage to be made under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, or under the Provisions of the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or under the Provisions of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or under the Provisions of this Act, shall state and set forth in the Form of a Mileage Rate the Amount to be payable by the Post Office for each and every Train to which the Award or Umpirage shall extend.

Appointment of an Umpire.

XIV. In any Reference to be made between the Postmaster General and any Railway Company, under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, or of the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or of this Act, if no Umpire shall have been appointed by the Arbitrators, pursuant to the Sixteenth Section of the Act of the First and Second Victoria, Chapter Ninety-eight, the Appointment of an Umpire shall devolve upon and be made by the Speaker of the House of Commons, which Umpire shall proceed in such Reference and shall make his Award within *Twenty-eight* Days after the Matter shall have been referred to him by reason of the Arbitrators not having made their Award within the Time by the said last-mentioned Act limited for that Purpose, and in default thereof another Umpire shall be appointed by the Speaker of the House of Commons, who shall in like Manner proceed and make his Award within *Twenty-eight* Days, or in default thereof be superseded, and so toties quoties.

Service of Notices.

XV. Every Notice by or from the Postmaster General to any Railway Company, given under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, or under the Provisions of the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or under the Provisions of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or under the Provisions of this Act, relating to Mail Trains, may be signed either by the Postmaster General or by any or either of his Secretaries or Assistant Secretaries on his Behalf; and every such Notice shall be considered as duly served on any such Railway Company if the same be delivered to any One or more of the Directors of such Railway Company, or to any Secretary or Clerk of such Railway Company, or be left at any Station of or belonging to such Railway Company; and every Notice

Notice by or from the Postmaster General to any Railway Company given in respect of or relating to ordinary Trains shall be signed by the Postmaster General or by the Inspector General of Mails, or by One of the District Surveyors for the Time being of the General Post Office; and every such last-mentioned Notice shall be considered as duly served on any such Railway Company if the same be delivered to any One or more of the Directors of such Railway Company, or to any Secretary or Clerk of such Railway Company, or be left at any Station of or belonging to such Railway Company, or if the same be sent by the Post addressed to the Chairman or any Secretary or Clerk of such Railway Company at any Station of or belonging to such Railway Company.

Byelaws contrary to this Act to be void.

XVI. Every Byelaw, Order, Rule, or Regulation made or to be made by any Railway Company contrary or repugnant to any of the Enactments herein contained shall be null and void.

Nothing herein to affect the Powers, &c. given to the Postmaster General by Act 1 & 2 Vict. c. 98., 7 & 8 Vict. c. 85., or the 10 & 11 Vict. Vict. c. 85.

XVII. Nothing herein contained shall in any Manner prejudice or affect any of the Powers or Privileges given to the Postmaster General by the Act of the First and Second Victoria, Chapter Ninety-eight, or the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or any or either of them, otherwise than and except as is herein-before expressly provided, which said respective Acts shall (except as last aforesaid) remain in full Force and Operation as if this Act had not been passed; and the Postmaster General shall have full Power and Authority at any Time or Times to apply and use all or any of the Powers and Privileges given to him by such respective Acts or any or either of them, either solely or in conjunction with the Powers and Privileges given to him by this Act, or otherwise, at his Discretion.

No Railway Company to be liable to Penalties for conveying any Mails.

XVIII. No Railway Company shall be liable to any of the Penalties prescribed by an Act of the First Victoria, Chapter Thirty-six, for conveying any Mails or Post Letter Bags, under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, or of the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or of this Act, nor for conveying any Letters or Packets of Letters for or on behalf of the Postmaster General or any Officer of the Post Office.

Postmaster General to be a Body Corporate as to Contracts.

XIX. All Contracts heretofore made or entered into or hereafter to be made or entered into with any Railway Company or other Company, Body Politic or Corporate, Person or Persons whatsoever, by

by or in the Name of any Postmaster General, for or on account of the Public Service, shall be vested in the Postmaster General for the Time being and his Successors, who shall be and is and are hereby made a Body Corporate for such Purpose by the Name of "Her Majesty's Postmaster General," and shall have a Seal, and shall and may by that Name sue and be sued, implead and be impleaded, in all Courts and Places of Judicature whatsoever.

Definition of Terms.

XX. The Term "Railway," wherever used in this Act, shall include every Railway already constructed or hereafter to be constructed under the Powers of any Act of Parliament; and the Term "Railway Company," wherever used in this Act, shall be construed to include the Proprietors for the Time being of any such Railway, and any Lessees or Tenants or other Persons in actual Possession thereof, and any Company of Proprietors or Persons who shall run Passenger Trains over or work any Railway belonging to any other Company or Persons; and the Term "Mail Train," wherever used in this Act, shall mean any Train conveying the Mails under the Provisions of the Act of the First and Second Victoria, Chapter Ninety-eight, or of the Act of the Seventh and Eighth Victoria, Chapter Eighty-five, or of the Act of the Tenth and Eleventh Victoria, Chapter Eighty-five, or of this Act, pursuant to Notice in the Manner prescribed by the Act of the First and Second Victoria, Chapter Ninety-eight; and the Term "ordinary Trains," wherever used in this Act, shall mean every Passenger or Goods Train, not being a Mail Train.

This to be deemed a Post Office Act.

XXI. This Act shall be deemed and considered a Post Office Act, within the true Intent and Meaning of the Act of the First Victoria, Chapter Thirty-six, and the several Provisions herein contained shall be construed according to the Interpretations used and contained in the said last-mentioned Act.

Conveyance of Mails by Railways.

A

BILL

To make further Provisions for the Conveyance of Mails by Railways.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by the House of Commons, *to be Printed*, 30 *June* 1857.

Under 2 *oz.*

[Bill 100.]

Copyright Acts Consolidation Bill.

CONTENTS.

Clause.		Page.
1.	Repeal of former Acts	1
2.	Proviso as to existing Copyright	2
3.	Copyright Personal Property	2
	As to Privilege and Duration :—	
4.	Duration of Copyright in Books, Sculptures, Lectures, and Music	2
5.	International Copyright	5
6.	International Copyright in Translations	6
7.	International Copyright in Newspaper Articles or Periodicals	6
	As to Registry :—	
8.	Register to be kept at Stationers Hall	7
9.	Authors may register	7
10.	Assignments to be registered	8
11.	Translations to be registered	8
12.	Penalty on Registrar for Refusal to register	8
13.	Entry to be deemed Evidence, and false Entry indictable	9
	As to Deposit at British Museum and Libraries :—	
14.	Copies of British Copyright Works to be deposited	9
15.	Copies of Works entitled to International Copyright to be deposited	10
16.	Days and Hours of Deposit	11
17.	Penalty in default of Deposit	11
	As to Notice of Copyright.—Publication of Lists.—And Remedies against wrongful Insertion and Registry :—	
18.	Notice of Copyright to be given to Commissioners of Customs	12
19.	Commissioners to publish Lists	12
	As to Protection of Copyright, and Remedies against Piracy :—	
20.	Prohibition to import pirated Copies	13
21.	Remedy for wrongful Insertions	13
22.	Penalty for Importation or Sale of pirated Copies	15
23.	Penalty for representing, without Authority, Dramatic Pieces or Musical Compositions	15
24.	Penalty for Piracy of Lectures	16
25.	Recovery of Penalties and Damages	16
26.	Unregistered Works not protected by this Act	18
27.	Power of Her Majesty to suspend Copyright Laws in certain Cases in Colonies	18

Clause. Page.
28. Privy Council may license Republication after Death of Author - 19
29. Books containing Copyright Matter, if they also contain other and original Matter, may be imported for British Museum - - 19
30. Her Majesty may revoke Orders in Council - - - 19
31. Orders in Council to be published in Gazette - - - 19
32. Orders in Council to be laid before Parliament - - - 20

As to Duties on Books of Countries having International Copyright Treaties:—

33. Reduced Duties to be charged on Books of Countries having Treaties 20
34. Extent of Act - - - - - - - 21
35. Commencement and Short Title of Act - - - - 21
36. Interpretation - - - - - - 21

A

B I L L

FOR

Consolidating the Laws relating to Copyright in Works of Literature and Art.

WHEREAS it is expedient that the several Acts now in force relating to Copyright in Works of Literature and Art, as well as the several Acts relating to International Copyright, should be consolidated into One Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The several Acts and Parts of Acts set forth in Schedule A. to this Act annexed are hereby repealed to the Extent to which such Acts or Parts of Acts are by such Schedule expressed to be repealed. Acts set forth in Schedule repealed.

II. Provided always, That notwithstanding such Repeal of the said Acts every Copyright which shall be subsisting at the Time of the passing of this Act shall continue in force till the Expiration of such Copyright, and shall be the Property of the then Proprietor; and with regard to all Offences or Injuries committed against any such Copyright before this Act shall come into operation, every Penalty imposed and every Remedy given by the said Acts in relation Proviso as to existing Copyright.

tion to any such Offence or Injury shall be applicable as if such Acts had not been repealed; but with regard to such Offences or Injuries committed against any such Copyright after this Act shall come into operation, every Penalty imposed and every Remedy given by this Act in relation to any such Offence or Injury shall be applicable as if such Copyright had been conferred by this Act: Provided also, that nothing in this Act contained shall affect, alter, or vary any Right subsisting at the Time of passing this Act, except as herein expressly enacted; and also Contracts, Agreements, and Obligations made and entered into before the passing of this Act shall remain in full Force.

Copyright shall be Personal Property.

III. All Copyright shall be deemed Personal Property, and be transferable by Sale or Bequest, and in case of Intestacy shall be subject to the same Law of Distribution as other Personal Property, and in Scotland shall be deemed to be Personal or Moveable Estate, and shall be vested in the original Proprietor or his Assigns for the Time being, and such Assigns shall have all the same Rights and Privileges attaching thereto as any original Proprietor from whom such Copyright may have been derived.

Privilege and Duration of Copyright in Works of Literature and Art produced in the British Dominions:

Duration of Copyright.

IV. The Copyright in the following Works of Literature and Art first published in the British Dominions, and whether the Author be a British Subject or not, and whether he be resident in the British Dominions or not, shall be vested in the Parties for the Periods hereafter stated in relation thereto respectively:

Copyright in Books.

The Copyright in Books, except Books given or bequeathed to the "Universities or Colleges," published in the Lifetime of the Author shall be the Property of the Author or his Assigns during the Term of the natural Life of such Author, and for *Seven* Years afterwards, or for *Forty-two* Years from the Date of First Publication if the latter be the longest Term, unless such Copyright shall have been disposed of by the Author for any Consideration other than natural Love and Affection for a shorter Period, when such Copyright shall expire, unless the Author shall, before the Expiration of such shorter Period, avail himself of the Benefit of this Act for himself or any Assignee, by causing a Minute thereof in the Form No. 1 in Schedule B. to this Act annexed, to be entered in the Book of Registry at Stationers Hall, in which Case the Copyright shall endure for the Remainder of the full Term of Copyright prescribed by this Act, and be the Property of himself or his Assigns, as in such Minute expressed:

The

The Copyright in Books, except as aforesaid, first published after the Death of the Author shall be the Property of the Proprietor of the Author's Manuscript for *Forty-two* Years from the First Publication thereof:

Copyright in Periodical Works.

The Copyright in any Periodical Work, such Work, or the Volumes, Parts, Essays, Articles, or Portions constituting the same being composed for Publication in or as Part thereof by any Person employed for that Purpose by or on account of the Publisher, Projector, Conductor, or Proprietor thereof, under any Contract vesting the Copyright therein in the latter, shall be the Property of such Publisher, Proprietor, Conductor, Editor, or Projector during his natural Life and for *Seven* Years afterwards, but without the Right of publishing in a separate Form any Essay, Article, or Portion of the Work so composed by any Person so employed as aforesaid, which Right shall be vested in the Author after *Twenty-eight* Years from the First Publication thereof in such Periodical, or earlier if there be any Contract, expressed or implied, reserving to the Author such Right of separate Publication before the Expiration of such *Twenty-eight* Years:

Copyright in Books of Universities and Colleges.

The Copyright in Books bequeathed or otherwise given by the Author of the same, or his Personal Representative, to or in trust for the "Universities or Colleges," shall be vested in the said "Universities or Colleges" for the Period for which the same shall be bequeathed or given, or if not bequeathed to them for any limited Period, so long as such Books shall be printed only at their own Printing Presses within the said Universities or Colleges respectively, and for their sole Benefit and Advantage; but the said Universities and Colleges shall have the Right to sell their Copyright in Books so bequeathed, in which Case the Copyright shall endure only for the Term given by this Act to other Books:

Copyright in Sculpture, &c.

The Copyright in any new and original Sculpture, Model, or Cast shall vest in the Person who shall first make or cause the same to be made, or his Assigns, for the Term of *Fourteen* Years from the Date of Publication thereof, and for the further Term of *Fourteen* Years if such Person shall be living at the End of the said first-mentioned Term, provided that his Name and the Date of Publication be marked on such Sculpture, Model, or Cast:

Copyright in Lectures, Musical and Dramatic Pieces.

The Copyright in any Lecture, Musical Composition, or Dramatic Piece not printed or published by the Author thereof or his Assigns shall be vested in the Author or his Assigns, together with the sole Right of delivering, representing, or performing, or causing the same to be delivered, represented, or performed

at any Place of dramatic or public Entertainment in the British Dominions, and the sole Right of printing and publishing the same, for the Term of his natural Life and for *Seven* Years afterwards, or for *Forty-two* Years from the Date of the First Delivery, Representation, or Performance thereof, if the latter be the longer Term:

Provided, that nothing herein contained shall extend to any Lecture, or the printing, copying, or publishing any Lecture or Parts thereof, of the Delivery of which *Two* Days Notice in Writing prior to such Delivery shall not have been given to Two Justices living within Five Miles from the Place of Delivery, or to any Lecture delivered in any University or public School or College or on any public Foundation, or by any Individual in virtue of or according to any Gift, Endowment, or Foundation:

Copyright in Prints, &c.

The Copyright in any Print, Map, Chart, or Plan shall vest in the Person who shall have first engraved or procured the same to be engraved, or his Assigns, for the Term of *Twenty-eight* Years, to commence from the First Publication thereof, provided his Name be engraved on each Plate and printed on each Print.

As to Copyright in Books and Works of Literature and Art first produced in Foreign Countries:

International Copyright in Literature, &c.

V. Her Majesty may, by any Order in Council, direct that the Author, and his Personal Representatives, of any Books, Prints, Dramatic Pieces, Musical Compositions, Articles of Sculpture, and other Works of Art, to be defined in such Order, which shall, after a future Time to be specified in such Order, be first published, produced, performed, or represented in any Foreign Country to be named in such Order, shall have the Privilege of Copyright therein, or sole Liberty of Representation or Performance, as the Case may be, within the British Dominions, for the same Period as is granted by this Act to the Authors of the like Productions first published, produced, represented, or performed in the United Kingdom, unless limited to any shorter Period by such Order; and Her Majesty may, by any further Order or Orders in Council, from time to time revoke, alter, or vary any such Order or Orders, or make any other Order or Orders in relation thereto, and in lieu thereof, with similar Power to revoke, alter, or vary the same.

International Copyright in Translations.

VI. The Author of any such Book or Dramatic Piece to which the Privilege of Copyright is by Order in Council extended, and his Assigns, shall, so long as such Order in Council remains in force, be empowered to prevent the Publication, unless with the Authority of the Author, of any Translation of such Book, or the Representation of any Translation of such Dramatic Piece, within the British

Dominions,

Dominions, for any Time specified in such Order not exceeding *Five* Years from the Time at which the authorized Translation of such Book or Dramatic Piece, or each Part thereof if published in Parts, may be first published or publicly represented, and the Author or his Assigns shall have Copyright in such Translation during the Time so specified; provided that nothing herein contained shall be construed to prevent fair Imitations or Adaptations to the English Stage of any Dramatic Piece or Musical Composition published in any Foreign Country.

International Copyright in Newspaper Articles or Periodicals.

VII. Any Article of political Discussion or otherwise which has been published in any Newspaper or Periodical in a Foreign Country, to which the Privilege of Copyright is extended, may, if the Source from which the same is taken be acknowledged, be republished or translated in any Newspaper or Periodical in this Country, unless the Author has signified his Intention of preserving the Copyright therein, and the Right of translating the same, in some conspicuous Part of the Newspaper or Periodical in which the same was first published, in which Case the same shall, without the Formalities required by this Act, receive the same Protection as is thereby extended to Books by the Provisions relating to International Copyright.

As to the Registry of Copyright Works:

Register to be kept.

VIII. Registers for the Registration of the Proprietorship in any Copyright, Right of Representation or Performance permitted by this Act to be registered according to Form No. 2 in the Schedule B. to this Act, and also of any Assignment or Licence affecting the same, according to Form No. 3 in Schedule B. to this Act, shall be kept at the Hall of the Stationers Company in London by the Registrar, and such Registers shall, during the official Hours of Business, be open to the Inspection of any Person on Payment of *One Shilling* for each Entry searched for or inspected; and the said Registrar shall, when required during the official Hours of Business, give a Copy of any Entry in such Books, certified under his Hand and impressed with the Stamp of the said Company, to be by them provided for such Purpose, to any Person requiring the same, on Payment to the said Registrar of the Sum of *One Shilling;* and any Copy of any such Entry so certified and impressed shall be received in Evidence in all Courts and in all summary Proceedings, and shall be primâ facie Proof of the Proprietorship or Assignment of Copyright, Right of Representation or Performance, or Licence, as therein expressed, but subject to be rebutted by other Evidence.

Authors of Copyright Works may register at Stationers Hall.

IX. The Author of or Proprietor of the Copyright in any Book or Periodical Work or of any Dramatic Piece or Musical Composition, whether British or Foreign, to which the Privilege of Copyright extends, and his Assigns, may require an Entry thereof to be made in the Register by presenting to the Registrar a Request for that Purpose according to the Form No. 4 of Schedule B. to this Act, and on Payment to the Registrar of the Sum of *Five Shillings* in respect of such Book, if first published in the British Dominions (except such as are bequeathed or given to the Universities and Colleges), and of *One Shilling* if first published in such Foreign Country, and of *Sixpence* only if registered by the said Universities or Colleges as their Copyright.

Assignee may, with Consent of Proprietor, register Assignment.

X. In case of any Assignment by the registered Proprietor of the whole or any Portion of his Interest in any Copyright, Right of Representation or Performance, the Assignee, with the Consent of such registered Proprietor, may require an Entry thereof to be made in the Register by presenting to the Registrar a Request and Concurrence in the Form No. 5 of Schedule B. to this Act, and on Payment of the Fee of *Five Shillings* to the Registrar; and any Entry made in pursuance thereof shall operate as a legal Assignment, be free from Stamp Duty, and have the same Force as an Assignment by Deed.

Translations of International Copyright Works to be registered.

XI. In order to entitle to the Protection of this Act the Translation of any original Work (including Articles in any Newspaper or Periodical, and afterwards published in a separate Form) first published in any Foreign Country to which the Privilege of Copyright is extended, the Author of such original Work must cause the same to be registered in manner above prescribed within *Three* Months after First Publication thereof in such Foreign Country, and such Translation must be so registered within *Three* Months after its Publication.

Penalty on Registrar for Refusal to register, &c.

XII. If the Registrar refuse or neglect to enter in the Register any Copyright Work entitled to Registry under this Act, or to give any certified Copy of any Entry therein on Demand being made by the Person entitled to demand such Registry or certified Copy, the Fee for the same being first tendered to the Registrar, he shall forfeit the Sum of *Twenty Pounds* for each such Refusal or Neglect.

Entry primâ facie Evidence.

XIII. Every Entry made in pursuance of this Act of any First Publication shall be primâ facie Evidence of a rightful First Publication, but subject to be rebutted by other Evidence; and if any Person

son shall wilfully make or cause to be made any false Entry in the Register, or shall wilfully produce or cause to be tendered in Evidence any Paper falsely purporting to be a Copy of any Entry in the said Register, he shall be guilty of an indictable Misdemeanor, and shall be punished accordingly. Making false Entries indictable.

As to the Deposit of Books at the British Museum and other Libraries:

XIV. The Publisher of every Book published in the British Dominions shall deliver or cause to be delivered One printed Copy of the whole of the First Edition, together with all Maps, Prints, or other Engravings belonging thereto, or of any Second or subsequent Edition if the First or some preceding Edition shall not have been delivered, and of every subsequent Edition which shall contain any Addition or Alteration, the same to be finished and coloured in the same Manner as the best Copies of the same, whether bound, sewed, or stitched together, shall be published, and upon the best Paper on which the same shall be printed, at the several Places and within the Times herein-after mentioned in relation thereto respectively: Copies of British Copyright Works to be deposited.

At the British Museum, if the First Publication, Sale, or Exposure for Sale be within the Bills of Mortality, within *One* Month thereafter: At British Museum.

If the First Publication, Sale, or Exposure for Sale be in any other Part of the United Kingdom, within *Three* Months thereafter:

If the First Publication, Sale, or Exposure for Sale be in any other Part of the British Dominions, within *Twelve* Months thereafter:

At Stationers Hall for Transmission to and Deposit at the following Libraries; viz., the Bodleian Library at Oxford, the Public Library at Cambridge, the Library of the Faculty of Advocates at Edinburgh, the Library of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin, within *One* Month after Demand in Writing under the Hand of the Person duly authorized by the said Company of Stationers or by the Librarian of any of the said Libraries to demand and receive the same; provided that such Demand shall be left at the Place of Abode of the Publisher of such Book within *Twelve* Months after its First Publication: At Stationers Hall or Libraries.

If any Publisher shall be desirous of delivering the Copy of any Book so demanded on behalf of any of the said Libraries at such Library it shall be lawful for him to deliver the same free of Expense at such Library to the Officer appointed for such Purpose, and such Delivery shall be held as equivalent to and accepted in lieu of Delivery to the aforesaid Officer of the Stationers Company.

Books, &c. entitled to International Copyright to be deposited.

XV. The Author of any Book or of any Dramatic Piece or Musical Composition, if printed or published in any Foreign Country to which the Privilege of Copyright is extended, and of any Translation thereof, shall deliver or cause to be delivered to the Registrar One Copy of the whole, whether in One or more Volumes, of every such Work, together with all Maps and Prints relating thereto, One Copy of the whole of every Second or subsequent Edition thereof which shall contain any Addition or Alterations, and One Copy of every Print or Engraving; and with regard to such Translation shall also deliver to the said Registrar One Copy of the original Work from which such Translation is made, with a Notification on the Title Page, or if published in Parts on the Title Page of the First Part, or if no Title Page on some conspicuous Part of the Work, of his Intention to reserve the Right of Translation; and every such original Work intended for Translation shall be so delivered within *Three* Months after the First Publication thereof in the Foreign Country, and the Translation thereof within *Twelve* Months afterwards, unless published in Parts, in which Case each Part of such original Work shall be delivered within *Three* Months after its Publication, and the Translation of each Part within *Twelve* Months after Delivery of the Part of which it is a Translation.

Days and Hours of Deposit.

XVI. All such Deliveries as aforesaid shall be made between the Hours of Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon of any Days except Sundays, and such other Days as are at the said Places of Delivery duly appointed to be observed and kept as public Holidays, to the Officer duly appointed at such Places to receive the same, and which Officer shall give Receipts in Writing for the Copies so delivered to him, and be responsible for the due Deposit thereof within *One* Month thereafter in the several Places for which they are delivered, and such Receipts shall be sufficient Proof of such Delivery.

Penalty for Default in delivering Copies for the Use of the Libraries.

XVII. If any Publisher of any such Book, or of any Second or subsequent Edition required by this Act to be delivered, shall neglect to deliver the same pursuant to this Act, he shall forfeit for every such Default, besides the Value of such Copy of the Book or Edition which he ought to have delivered, a Sum not exceeding *Five Pounds*, to be recovered by the Librarian or other Officer (properly authorized) of the Library for the Use whereof such Copy should have been delivered, in a summary Way on Conviction before Two Justices of the Peace for the County or Place where the Publisher making Default shall reside, or by Action of Debt or other Proceeding of the like Nature, at the Suit of such Librarian or other Officer, in any Court of Record in the United Kingdom, in which Action,

if

if the Plaintiff shall obtain a Verdict, he shall recover the Costs reasonably incurred, to be taxed as between Attorney and Client.

As to Notice of Copyright, Publication of Lists, and Remedies against wrongful Insertion and Registry:

Notice of Copyright may be given to Commissioners of Customs.

XVIII. The registered Proprietor of the Copyright in any Book first printed and published in the British Dominions, or in any Foreign Country to which the Privilege of Copyright is extended, and which shall be registered after the passing of this Act, or his Agent, may give to the Commissioners of Her Majesty's Customs Notice in Writing of such Copyright, such Notice to be in the Form No. 6. of Schedule B. to this Act, and to contain the Particulars specified therein so far as they are applicable, together with a Copy of the Entry of the Registry of such Book, duly certified by and under the Hand of the Registrar, and for which certified Copy such Registrar shall be entitled to the Fee of *One Shilling*.

Commissioners to publish Lists.

XIX. The said Commissioners shall cause to be made and publicly exposed at the Custom House of the several Ports in the United Kingdom printed Lists of all Books of which such Notice shall be given to them as aforesaid, and also from Time to Time deliver to the Board of Trade so many Copies of such Lists as such Board may require, for Transmission to Her Majesty's Possessions abroad, for public Exposure there, at such Places and in such Manner as the Board of Trade may direct: Provided always, that at the Expiration of *Forty-two* Years from the Date of Publication of any Book inserted in the same Lists the said Commissioners shall cause such Book to be struck out of the said Lists unless the Proprietor of the Copyright shall then give further Notice that the Author is still alive, or has died within *Seven* Years; and if such further Notice of the Author's being alive be not renewed at the Expiration of each succeeding *Twelve* Months the Book shall be struck off the Lists at the End of *Seven* Years from the last further Notice.

As to Protection of Copyright and Remedies against Piracy:

Pirated Copies of Works inserted in Lists prohibited.

XX. The Importation into the British Dominions of pirated Copies of any Book included in the Lists prescribed by Section 19. shall be prohibited unless imported with the Sanction or Authority in Writing of the Proprietor or other Person upon whose Notice such Book shall have been inserted in such Lists, and all Copies imported contrary hereto shall be forfeited, and may be seized by an Officer of Customs or Inland Revenue, and shall become the Property of the Proprietor, and be delivered to him if claimed by him within *Three* Months after such Seizure on Payment of the Duty of Customs due thereon, and if not so claimed shall be destroyed;

and the Importer thereof, if such Copy be imported for Sale, shall forfeit the Penalty of *Five Pounds* in respect of every pirated Copy so imported, to be sued for and recovered by the said Proprietor in manner herein-after prescribed.

Remedy for wrongful Insertions.

XXI. If any Person shall deem himself aggrieved by any Entry made under colour of this Act in the said Register, or by the Insertion of any Book in the said Lists, it shall be lawful for any Judge at Chambers, on the Application of the Person so complaining, to issue a Summons calling upon the Person upon whose Notice such Book shall have been entered in the said Register or inserted in the said Lists, as the Case may be, to appear before such Judge, at a Time to be appointed in such Summons, to show cause why such Entry in the said Register should not be expunged or varied, or why such Insertion in the said Lists should not be expunged; and such Judge shall at the Time so appointed proceed to hear and determine upon the Matter of such Summons, and make an Order therein (in Writing): Provided always, that if such Application relate to a wrongful First Publication of which any Party has availed himself to obtain an Entry in the said Register of a spurious Work, and it shall appear to such Judge with respect to such wrongful Publication, if in a Country to which the Author or First Publisher does not belong, and between which and this Country no Treaty of International Copyright subsists, that the Party making the Application was the Author or First Publisher, as the Case requires, or with respect to such wrongful First Publication, either in the Country where a rightful First Publication has taken place or between which and this Country a Treaty of International Copyright does subsist, that a Court of competent Jurisdiction in any such Country where such wrongful First Publication has taken place has given Judgment in favour of the Right of the Party claiming to be the Author or First Publisher, such Judge shall make an Order for expunging or varying the Entry complained of, such Order, in any of the foregoing Cases, to be made with or without Costs as to such Judge shall seem just; and upon Service of such Order, or a certified Copy thereof, upon the said Registrar if the same shall relate to any Entry in the said Register, or upon the Commissioners of Customs or their Secretary for the Time being if the same shall relate to any Insertion in the said Lists, the said Registrar shall expunge, vary, or confirm the said Entry, or the said Commissioners shall expunge such Book from the said Lists, or retain the same therein, according to the Tenor of such Order, and in case such Book shall be expunged from such Lists in pursuance of any such Order the Prohibition imposed by this Act in respect of the Importation of such Book shall thenceforth cease. If at the Time appointed in any such Summons the

Proviso as to wrongful First Publication.

Costs at Discretion of the Judge.

Entry of Books to be expunged or varied according to Order.

the Person so summoned shall not appear before such Judge then, upon Proof by Affidavit that such Summons, or a true Copy thereof, has been personally served or left at the last known or usual Place of Abode of the Person so summoned, or transmitted by Post to him at such last known Place of Abode, or, in case the Person to whom such Summons was directed and his Place of Abode cannot be found, that due Diligence has been used to ascertain the same, such Judge shall be at liberty to proceed ex parte to hear and determine the Matter, but if either Party be dissatisfied with such Order he may apply to the Superior Court of which such Judge is a Member to review such Order and make such further Order thereon as such Court may see fit; and the Remedies provided by this Section shall be applicable to any Entry made in the Register Book of Stationers Hall, and of any Insertion in any such Lists publicly exposed by the Commissioners of Customs, prior to the passing of this Act.

If Party summoned do not appear Judge may proceed ex parte.

XXII. If any Person, not being the Proprietor of the Copyright in any Work of Literature or Art wherein such Copyright shall be subsisting, shall, without the Authority in Writing of such Proprietor knowingly import, sell, publish, or expose, or have in his Possession for Sale or Hire in any Part of the British Dominions, any pirated Copy of such Work, he shall forfeit the same and also the Sum of *Five Shillings* in respect of every such Copy to the Proprietor of the Copyright; and every Person who shall have in his Possession the Plate upon which any pirated Copy of any Print, Chart, or Map may be engraved, or any Mould or Die for the Manufacture of pirated Copies of any Sculpture, Model, or Cast, shall forfeit the same to the said Proprietor.

Penalty for Importation or Sale, &c. of pirated Copies.

XXIII. Any Person who shall represent or perform any Dramatic Piece or Musical Composition, without the Consent of the Author or Proprietor of the sole Right of representing or performing the same, during the Continuance of such Right, shall forfeit to such Author or Proprietor the Sum of *Forty Shillings*, or the full Amount of the Benefit or Advantage arising from each such Representation or Performance, or the Injury or Loss sustained by such Author or Proprietor, for whichever he shall elect to proceed or sue, together with the Costs of such Proceeding or Suit.

Penalty for representing Dramatic or Musical Pieces.

XXIV. If any Person shall during the Term of Copyright in any Lecture, without the Leave of the Author thereof or his Assigns, by any means obtain or make a Copy thereof, or print or publish the same in any public Newspaper or otherwise, or shall sell or publicly expose any Copy thereof for Sale, knowing the same to have been obtained or printed or published without such Leave as aforesaid,

Penalty for Piracy of Lectures.

every Person so offending shall forfeit to the Author or his Assigns every such pirated Copy found in his Possession, and *One Pound* for every Sheet thereof.

Penalties recoverable before Justices.

XXV. Any Penalty or Forfeiture imposed by this Act, and given to the Proprietor of the Copyright in respect of which the same is incurred, except Books absolutely forfeited under Section Twenty, may be prosecuted or recovered by such Proprietor before any Justice of the Peace or Magistrate for the County or Place in which the Offence shall have been committed, or in which the Offender shall reside, without Prejudice to any Right of Action which the Proprietor may or might otherwise have had for any Damages consequent on this or any other Infringement of his Privilege of Copyright; and any Damages, which such Proprietor may sustain from any Infringement of his Privilege of Copyright, may be sued for by Action at Law, to be brought by him in any Court having Jurisdiction in that Part of the British Dominions in which the Offence shall have been committed, or the Offender shall reside; and in every such Proceeding, if it relate to the Right of Representation or Performance of any Dramatic Piece or Musical Composition, it shall be sufficient for the Plaintiff to state that he has the sole Right, without stating that it is subject to any Right which he could or may have given to any other Person, not being the Defendant, to represent or perform the same: In any such Action as aforesaid the Defendant, on pleading thereto, shall give to the Plaintiff a Notice in Writing of any Objection on which he means to rely on the Trial thereof; and if he assert that the Plaintiff is not the Author or First Publisher of such Book, or the Proprietor of the Copyright therein, or that some other Person was so, he shall specify in such Notice the Name of such other Person, together with the Title of the Book, and the Time and Place of First Publication thereof; otherwise he shall not, at the Trial or Hearing of such Action, be allowed to give Evidence that the Plaintiff was not the Author or First Publisher of the Book, or the Proprietor of the Copyright therein, or that any other Person was so; nor shall any Objection be allowed to be made or taken by or for the Defendant which shall not have been stated in such Notice: And if any Action or Suit shall be commenced or brought against any Person for doing or causing to be done anything in pursuance of this Act, the Defendant in such Action may plead the General Issue, and give the Special Matter in Evidence; and if upon such Action a Verdict shall be given for the Defendant, or the Plaintiff shall become nonsuited or discontinue his Action, then the Defendant shall have and recover his full Costs, for which he shall have the same Remedy as any Defendant has by Law in any other Case: And all Actions, Suits, Bills, Indictments, or Informations

Damages may be sued for by Action at Law.

Defendant to give notice of Objections.

Defendant may plead General Issue.

mations for any Offence against this Act shall be brought, sued, and commenced within *Twelve* Months next after such Offence committed, or else the same shall be void, provided that such Limitation of Time shall not extend or be construed to extend to any Actions, Suits, or other Proceedings which, under the Authority of this Act, shall or may be brought, sued, or commenced for or in respect of any Copies of Books to be delivered for the Use of the British Museum or of any one of the Four Libraries herein-before mentioned.

Limitations of Action.

Not to extend to Actions, &c. in respect of Delivery of Books.

XXVI. The Proprietor of the Copyright in any Work of Literature or Art shall not be entitled to the Protection or Benefit of any of the Provisions of this Act in respect of any such Work as he is hereby permitted to register, unless he shall so register the same in the Manner prescribed for that Purpose, nor in respect of any such Work which by this Act is required to be delivered for the Use of the British Museum and Public Libraries, unless he shall so deliver the same in manner prescribed by this Act: Nor shall the Proprietor of any Translation of any Dramatic Piece be entitled to such Protection or Benefit unless such Translation be published within *Three* Months after the Registration of the Work of which it is a Translation: Provided always, that the Omission to register any Work of Literature or Art shall not affect the Copyright therein of the Proprietor thereof, nor shall such Omission as to any Dramatic Piece prejudice the Remedies which the Proprietor of the Right of Representation thereof may have by virtue of this Act.

Protection of the Act not to extend to unregistered Works.

Exceptive Proviso.

XXVII. In case the Legislature or proper legislative Authorities in any British Possession shall make due Provision for securing or protecting the Rights of British Authors in such Possessions by any Act or Ordinance duly approved of by Her Majesty for that Purpose, Her Majesty may, if She think fit, thereupon issue an Order in Council declaring that so long as the Provisions of such Act or Ordinance continue in force within such Possession the Prohibitions and Provisions contained in this or any other Act relating to or for the Privilege of Copyright shall be suspended so far as regards such Possession, and thereupon such Act or Ordinance shall come into operation except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council: Provided always, that no such Act or Ordinance shall be construed to authorize the Importation into the United Kingdom of any pirated Copies of any Work wherein Copyright may be subsisting in the United Kingdom, and if such pirated Copies shall be brought into the United Kingdom they shall be forfeited and destroyed, or returned to the British Possession from which they shall have been imported, as the Commissioners of Customs may direct.

Her Majesty may suspend in certain Cases the Prohibitions against the Admission of pirated Books into the Colonies.

Judicial Committee of the Privy Council may license the Republication of Books which the Proprietor refuses to publish after Death of Author.

XXVIII. To provide against the Suppression of Books of Importance to the Public, the Judicial Committee of Her Majesty's Privy Council, on Complaint made to them that the Proprietor of the Copyright in any Book, after the Death of its Author, has refused to republish or to allow the Republication thereof, whereby such Book may be withheld from the Public, may grant a Licence to such Complainant to publish such Book in such Manner and subject to such Conditions as they may think fit, and such Complainant may publish such Book accordingly.

Book containing Copyright Matter, if also containing other original Matter, may be imported for British Museum.

XXIX. Nothing in this or any other Act relating to Copyright shall prevent the Importation into the United Kingdom, for Deposit in the Library of the British Museum, of single Copies of any Books which may consist in part of Matter in which any Copyright may subsist in the British Dominions, provided the same contain other and original Matter.

Her Majesty may, by Order in Council, revoke previous Orders.

XXX. When Her Majesty shall have issued any Order or Orders in Council under the Authority of this Act Her Majesty may, from Time to Time, revoke the whole or any Part thereof by any further Order; and in case such Order of Revocation shall apply to any Books or Prints the same shall be chargeable, upon Importation into the United Kingdom, with the Duties payable on Books or Prints imported from any Foreign Country between which and this Country no Treaty of International Copyright subsists.

Orders to be published in the Gazette.

XXXI. Every Order in Council issued under the Authority of this Act, or to give effect to any Colonial Act or Ordinance relating to Copyright duly approved by Her Majesty, shall, within *Fourteen* Days after the issuing thereof, be *twice* published in the "London Gazette."

And to be laid before Parliament.

XXXII. A Copy of every Order in Council issued under the Authority of this Act and of every such Act or Ordinance, together with the Order in Council thereon, shall be laid before both Houses of Parliament within *Six* Weeks after issuing of such Order if Parliament be then sitting, and if not, then within *Six* Weeks after the Commencement of the then next Session of Parliament.

As to Reduction of Duties on Importation of Books admitted under Treaty of International Copyright:

Reduced Duty on Books and Prints of Countries having

XXXIII. Whenever a Treaty shall have been concluded between Her Majesty and any Foreign Country for the Purpose of securing to the Authors and Publishers of the United Kingdom and of such Country respectively a reciprocal Protection in their Rights of Property

Property in their Literary Productions, and Her Majesty shall have by virtue of the Power vested in Her, issued an Order in Council conferring Privilege of Copyright on the Authors, Inventors, Designers, Engravers, or Makers of any Books and Prints published in such Country, it shall be lawful for the Commissioners of Her Majesty's Treasury to direct that such Books and Prints shall, upon their Importation into the United Kingdom, be charged only with the Duties set forth in the Tariff Acts in force for the Time being as payable upon Books and Prints admitted under Treaties of International Copyright; and whenever it shall be a Stipulation in any such Treaty that the Duties to be charged on such Books and Prints shall not be raised during the Continuance of such Convention, or that in case any Reduction of those Rates should be made, during such Period, in favour of Books and Prints published in any other Country, the Books and Prints of the Country with which such Treaty shall have been concluded shall also be subject only to such reduced Duties on Importation; such Stipulations shall have the Effect of Law, and such Books and Prints shall be charged with Duty on Importation into the United Kingdom, according to the Terms of such Stipulations. International Copyright Treaties.

XXXIV. This Act shall extend to the United Kingdom of Great Britain and Ireland, and to every Part of the British Dominions, including the Islands of Guernsey, Jersey, Alderney, and Sark, and shall be registered in the Royal Courts of the Islands of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same. Extent of Act.

XXXV. This Act shall come into operation on the Day of the *passing of this Act;* and in citing it in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Copyright Consolidation Act, 1857." Commencement of Act. Short Title.

Interpretation of Terms used in this Act:

XXXVI. "Assigns" shall be construed to mean and include every Person in whom the Interest of the Author in any Copyright shall be vested, whether derived from such Author before or after the Publication of the Work, either by Sale, Gift, Bequest, Operation of Law, or otherwise:

"Author" shall, with reference to Prints, Sculptures, and other Works of Art, be deemed to include the Engraver, Designer, Inventor, and Maker thereof:

"Board of Trade" shall mean the Lords of the Committee of Privy Council for the Consideration of all Matters of Trade and Plantations:

"Book" shall be construed to mean and include every Volume, Part or Division of a Volume, Pamphlet, Sheet of Letterpress, Sheet of Music:

"Print" shall include Prints taken by Lithography, or any other mechanical Process by which any Objects or any Prints or Impressions of Drawings or Designs are capable of being represented or multiplied indefinitely:

"British Dominions" shall mean and include the United Kingdom of Great Britain and Ireland and all Colonies, Settlements, and Possessions of the Crown which now are or hereafter may be acquired:

"Copyright" shall be construed to mean the sole and exclusive Liberty of printing or otherwise multiplying Copies of any Subject to which the said Word is herein applied:

"Dramatic Piece" shall be construed to mean and include every Tragedy, Comedy, Play, Opera, Farce, or other scenic, musical, or dramatic Entertainment:

"First Publication" shall include First Representation, Performance, or Delivery of Dramatic Pieces, Musical Compositions, and Lectures:

"Pirated Copy" shall mean, with reference to any Work of Literature or Art in which Copyright subsists, any Copy of such Work printed or published or made without the written Authority of the Proprietor of such Copyright; and with reference to any Work of Literature or Art first published in any Foreign Country to which the Privilege of Copyright is extended, shall mean any Copy thereof printed, published, or made without the Sanction of the Proprietor of the Copyright therein, in any other Country than that in which such Work shall have been first published:

"Periodical Work", shall mean and include any Encyclopædia, Review, Magazine, or Work published in a Series of Volumes or in Parts or Numbers, or other periodical Work:

"Registrar" shall mean the Officer appointed by the Company of Stationers in London for registering Copyright Works:

"Universities and Colleges" shall be understood to mean the Two Universities in England and the Colleges or Houses of Learning within the same, the Four Universities in Scotland, and the Colleges of Eton, Westminster, and Winchester.

SCHE-

SCHEDULE A. of Acts repealed.

Date and Chapter.	Subject.	Extent of Repeal.
8 Geo. 2. c. 13. (1735)	An Act for the Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints by vesting the Properties thereof in the Inventors and Engravers during the Time therein mentioned.	The whole Act.
7 Geo. 3. c. 38. (1767)	An Act to amend and render more effectual an Act made in the Eighth Year of the Reign of King George the Second for Encouragement of the Arts of Designing, Engraving, and Etching Historical and other Prints, and for vesting in and securing to Jane Hogarth, Widow, the Property in certain Prints.	The whole Act.
15 Geo. 3. c. 53. (1775)	An Act for enabling the Two Universities in England, the Four Universities in Scotland, and the several Colleges of Eton, Westminster, and Winchester, to hold in perpetuity their Copyright in Books given or bequeathed to the said Universities and Colleges for the Advancement of useful Learning and other Purposes of Education; and for amending so much of an Act of the Eighth Year of the Reign of Queen Anne as relates to the Delivery of Books to the Warehousekeeper of the Stationers Company for the Use of the several Libraries therein mentioned.	The whole Act.
17 Geo. 3. c. 57. (1777)	An Act for more effectually securing the Property of Prints to Inventors and Engravers by enabling them to sue for and recover Penalties in certain Cases.	The whole Act.
38 Geo. 3. c. 71. (1798)	An Act for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned.	The whole Act.
54 Geo. 3. c. 56. (1814)	An Act to amend and render more effectual an Act of His present Majesty for encouraging the Art of making new Models and Casts of Busts and other Things therein mentioned, and for giving further Encouragement to such Arts.	The whole Act.
3 Will. 4. c. 15. (1833)	An Act to amend the Laws relating to Dramatic Literary Property.	The whole Act.

Date and Chapter.	Subject.	Extent of Repeal.
5 & 6 Will. 4. c. 65. (1835).	An Act for preventing the Publication of Lectures without Consent.	The whole Act.
6 & 7 Will. 4. c. 59. (1836).	An Act to extend the Protection of Copyright in Prints and Engravings to Ireland.	The whole Act.
5 & 6 Vict. c. 45. (1842)	An Act to amend the Law of Copyright	The whole Act.
7 Vict. c. 12. (1844)	An Act to amend the Law relating to International Copyright.	The whole Act.
9 & 10 Vict. c. 58. (1846).	An Act to amend an Act of the Seventh and Eighth Years of Her present Majesty for reducing, under certain Circumstances, the Duties payable upon Books and Engravings.	The whole Act.
10 & 11 Vict. c. 95. (1847).	An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom.	The whole Act.
15 Vict. c. 12. (1852)	An Act to enable Her Majesty to carry into effect a Convention with France on the Subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings.	The whole Act.
16 & 17 Vict. c. 107. (1853).	Customs Consolidation Act, 1853	So much of Sect. 44. as prohibits the Importation of Books wherein Copyright subsists, and Sections 46. and 160.
18 & 19 Vict. c. 96. (1855.)	The Supplemental Customs Consolidation Act, 1855.	Sections 39 and 40.

SCHE-

SCHEDULE B. to which the preceding Act refers.

No. 1.

FORM of MINUTE of CONSENT to be entered at Stationers' Hall required by Section IV. of this Act.

WE, the undersigned *A. B.* of the Author [*or* Personal Representative of the Author, *as the Case may be*,] of a certain Book entitled , and *C. D.* of , do hereby certify that we have consented and agreed to accept the Benefits of the "Copyright Consolidation Act, 1857," for the Extension of the Term of Copyright therein granted by the said Act, and hereby declare that such extended Term of Copyright therein is the Property of the said *A.B.* or *C.D.*

Dated this Day of 18 .

Witness (Signed) *A.B.*
C.D.

To the Registrar appointed by the
Stationers Company.

No. 2.

FORM of REGISTER of ORIGINAL ENTRY of PROPRIETORSHIP required by Section VIII. of this Act.

Date of Entry.	Title of Work.	Name of the Author, unless published anonymously; Name of the Publisher, and Place of Publication.	Name and Place of Abode of the Proprietor.	Date of First Publication.

No. 3.

FORM of REGISTER of ASSIGNMENT or LICENCE required by Section VIII. of this Act.

Date of Entry.	Title of Work.	Assignor or Grantor of Licence.	Assignor or Grantee.	Duration of Assignment.
	[*Set out the Title of the Work, referring to the Page of the Register Book in which the original Entry is made.*]			

No. 4.

FORM of REQUEST to register a Work required by Section IX. of this Act.

I *A.B.* of do hereby certify that I am the Proprietor of the Copyright of the Work hereunder mentioned, and I hereby require you to make Entry in the Register according to the Particulars under written.

Title of Work.	Name of the Author, unless published anonymously; Name of Publisher, and Place of Publication.	Date of First Publication.

Dated this Day of 18 .

Witness *C.D.*

(Signed) *A.B.*

To the Registrar appointed by the
Stationers Company.

No. 5.

FORM of REQUEST and CONCURRENCE required by Section X. of this Act.

I *A.B.* of require you to enter the Assignment of Copyright [or Licence to represent or perform, *as the Case may be*,] in the under-mentioned Work, from *C.D.* of to me for [*state whether for the whole Term of his Interest therein, or for any more limited Period*].

[*Here set out the Title of the Work, referring to the Page of the Register in which the original Entry is made.*]

Dated this Day of 18 .

(Signed) *A.B.*

I the above-named *C.D.* do hereby concur in the above Request.

(Signed) *C.D.*

To the Registrar appointed by the Stationers Company.

No. 6.

FORM of NOTICE of PROPRIETORSHIP of COPYRIGHT required by Section XVIII. of this Act.

I *A.B.* of do hereby give notice that the Proprietorship of the Copyright of the under-mentioned Book [*or Books*] a Certificate of the Registry whereof is hereunto annexed is vested in the under-mentioned Party, and I claim that such Copyright may be inserted in the Lists to be made by the Commissioners of Her Majesty's Customs, pursuant to the "Copyright Consolidation Act, 1857."

Title of Work.	Name of Author.	Name of Proprietor of the Copyright.	Date when Copyright will expire, if Author be not then alive.

Dated this Day of 18 .

(Signed) *A.B.*

To the Commissioners of Her Majesty's Customs.

Copyright Acts Consolidation.

A

BILL

For consolidating the Laws relating to Copyright in Works of Literature and Art.

(Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.)

Ordered, by the House of Commons, *to be Printed*, 20 *July* 1857.

[Bill 142.]

Under 3 *oz.*

4 *June* 1857. 20 Vict. (Sess. 2.)

(Ireland.)

A

B I L L

TO

Revive and amend certain Acts relating to the Collection of County Cess in Ireland; and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 and 20 Vict. c. 36.

Preamble. 11 & 12 Vict. c. 32. s. 2.

WHEREAS, under and by virtue of the Second Section of an Act passed in the Eleventh and Twelfth Years of Her Majesty's Reign, Chapter Thirty-two, certain Provisions are made relating to the Collectors of County Cess in Ireland: And whereas by certain other Acts subsequently passed, and more especially by an Act passed in the Sixteenth Year of Her Majesty's Reign, Chapter Thirteen, the said Provisions were revived and continued in force to the End of the Year One thousand eight hundred and fifty-four, and it is expedient to amend and revive the said Provisions, and to continue the same for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

16 Vict. c. 13. s. 2.

Provisions of 11 & 12 Vict. c. 32. revived

I. The Provisions contained in the Second Section of the said first-recited Act shall be revived and continued to the End of the Year

and amended and continued to the End of the Year 1859.

One thousand eight hundred and fifty-nine, and such Provisions, and the respective Powers and Authorities by the said Section of the said Act given to Grand Juries at the Assizes and to Magistrates at the Sessions therein mentioned, shall be respectively applied and extended to the Grand Juries at any Assizes and to Magistrates at any Sessions, as the Case may be, within the Period for which the said Provisions are hereby revived and continued.

Justices may take Security for Collectors.

II. Whenever any Person shall have been appointed Collector of Cess under the Provisions of this Act, either at Assizes, Quarter Sessions, or Special Sessions, and the Security of such Persons shall have been there approved, it shall be lawful for the Justices at any Petty Sessions to take such Security in like Manner and as effectually as if the same had been given before the Grand Jury at the Assizes.

19 & 20 Vict. c. 36.

III. And whereas by virtue of an Act passed in the Nineteenth and Twentieth Years of Her Majesty's Reign, Chapter Thirty-six, the Lord Lieutenant is empowered to issue his Warrants directed to the several Collectors of County Cess in Ireland, requiring them to levy within the respective Districts for which they shall have been appointed Collectors the estimated Charges and Expenses of any additional Constabulary Force appointed for any County or District thereof, and which may be payable by such District, under the Provisions of the said Act: And whereas it may be expedient, in certain Cases, that special Collectors should be appointed for such Purposes: Be it therefore enacted, That the Lord Lieutenant may from Time to Time appoint any Person he may think proper to be a Collector of such Charges and Expenses, and may remove such Person, and appoint any other Person in his Place, and may issue his Warrants, under the Hand of his Chief or Under Secretary, requiring such Person to levy such Charges and Expenses, together with such Fees for levying and collecting the same, as to the Lord Lieutenant shall seem proper, not exceeding in the whole *One Shilling* in the Pound upon the Sum so to be levied and collected.

Lord Lieutenant may appoint any Person to collect Charges and Expenses of additional Constabulary Force.

Collectors so appointed to have same Powers as Collectors of County Cess under recited Act.

IV. The several Persons to whom from Time to Time the Lord Lieutenant may issue his Warrants, under the Provisions of this Act, for the Collection of such Charges and Expenses, shall for the Purposes of such Collection have all the Powers, Authorities, and Remedies given by Law to the Collector of Grand Jury Cess, and shall and may proceed to collect and levy such Charges and Expenses in like Manner as any Collector of Grand Jury Cess could have done, and shall account for and pay over the same in the Manner directed by the said last recited Act, and the Production of the Lord Lieutenant's Warrant shall be sufficient Proof of the Authority

rity of the Person therein named to levy the Sums in such Warrant specified.

Not to prevent Lord Lieutenant from requiring the Collectors of County Cess to levy such Expenses as heretofore.

V. Nothing in this Act contained shall prevent the Lord Lieutenant (if he shall so think fit) from issuing his Warrants to the Collectors of County Cess, requiring them to levy such Charges and Expenses, in like Manner as if this Act had not passed.

Construction of Terms.

VI. In the Construction of this Act the Term "Lord Lieutenant" shall be held to include any other Chief Governor or Governors of Ireland.

County Cess (Ireland).

A

BILL

To revive and amend certain Acts relating to the Collection of County Cess in Ireland; and also to provide for the Appointment, in certain Cases, of Collectors to levy the Charges and Expenses of additional Constabulary appointed under the Act 19 and 20 Vict. c. 36.

(*Prepared and brought in by Mr. Attorney General for Ireland and Mr. Massey.*)

Ordered, by The House of Commons, *to be Printed*, 4 *June* 1857.

[Bill 45.]

Under 1 *oz.*

A

BILL

TO

Supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts.

WHEREAS by an Act passed in the Session holden in the Nineteenth and Twentieth Years of Her Majesty, Chapter One hundred and eight, to amend the Acts relating to County Courts, after reciting that the Commissioners of Her Majesty's Treasury had ordered that the Salaries of the Judges whose Names were mentioned in the Schedule marked (D.) annexed to the said Act should be fixed at the Amounts set opposite to their respective Names in such Schedule, it is provided, that the Judges mentioned in such Schedule should continue to receive the Salaries therein mentioned to be payable to them respectively so long as they should continue to be Judges of the County Courts: And whereas the Commissioners of Her Majesty Treasury had ordered that T. Falconer, Esq., Judge of the County Courts holden at Brecknock, Builth, and other Places, and J. St. John Yates, Esq., Judge of the County Courts holden at Congleton, Hyde, and other Places, should respectively receive a Salary of One thousand five hundred Pounds; and the said T. Falconer and J. St. John Yates are mentioned in the said Schedule (D.), but no Amounts or Sums are set opposite to their respective Preamble.

 Names

Names in such Schedule: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Salaries of T. Falconer and J. St. John Yates, Esquires.

I. The said Act shall be read and take effect as from the Time when it came into operation in the same Manner as if in the said Schedule (D.) the Salary of *One thousand five hundred Pounds* had been mentioned to be payable to the said T. Falconer, Esq., and the Salary of *One thousand five hundred Pounds* had been mentioned to be payable to the said J. St. John Yates, Esq.; *and it shall be lawful for the Commissioners of Her Majesty's Treasury to direct and cause to be paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the said T. Falconer and J. St. John Yates respectively such Sums as, with the Payments actually made to them respectively on account of their Salaries, will make up the Amount of such Salaries at the Rate aforesaid as from the Time when the said Act came into operation.*

County Court Judges (Falconer and Yates's Salaries).

A

B I L L

To supply an Omission in a Schedule to the Act to amend the Acts relating to County Courts.

(*Prepared and brought in by Mr. Wilson and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 20 *July* 1857.

[Bill 143.]

Under 1 *oz.*

13 *May* 1857. 20 Vict. (*Sess.* 2.)

(Ireland.)

A

BILL

TO

Make Provision for the Appointment of Registrars to the Masters of the Court of Chancery in Ireland, also for the safe Custody of Title Deeds and Documents lodged in the said Court; and to amend the Practice in certain Particulars.

WHEREAS by the Operation of the Acts of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine, and the Nineteenth and Twentieth Years of the Reign of Her present Majesty, Chapter Ninety-two, additional Duties of a judicial and otherwise important Nature have devolved upon the Masters of the Court of Chancery in Ireland, by reason of which, novel Functions and a large Increase of general Business have arisen in their Offices: And whereas the Officers and Clerks now employed are unequal to the Performance of the Duties of such Offices, and it is expedient to provide for the Performance thereof by the Appointment of a Registrar to each of the said Masters: And whereas from Time to Time Deeds and Documents of Title of great Importance and Value are lodged in the said Preamble.

said Court, for the safe Custody of which no Provision has heretofore been made, and it is expedient to provide for the safe Custody of all such Deeds and Documents: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Official Staff of the Masters Offices.

I. The Official Staff of each of the Masters Offices shall consist of a Chief Clerk or Registrar, a Second Clerk, and a Junior Clerk, who shall respectively be under the Control of the Master, and perform such Duties as shall from Time to Time be prescribed to them severally by any General Orders to be made for that Purpose.

Appointment of Registrar and Clerks.

II. The Examiner at present attached to the Office of each of the Masters shall be and he is hereby appointed Chief Clerk or Registrar to such Master and his Successors in Office; the Assistant Clerk at present attached to the Office of each Master shall be and he is hereby appointed Second Clerk to such Master and his Successors in Office; and it shall be lawful for each of the said Masters to appoint a Person to be Junior Clerk in his Office and the Office of his Successors: Provided nevertheless, that when the Business in the Office of the Receiver Master other than Receivership Business shall be disposed of, the several Clerks now employed or hereafter to be employed in such Office shall perform all such Duties pertaining to the Office of such Receiver Master as shall from Time to Time be prescribed by any General Order of the Court for that Purpose.

Proviso as to Clerks in the Receiver Master's Office.

Masters, Registrars, and Clerks, to hold their Offices during good Behaviour.

III. Every Registrar and Clerk hereby appointed or to be appointed under this Act shall hold his Office during his good Behaviour, and so long as he shall personally give his Attendance upon his Duties, and shall conduct himself diligently and faithfully in the Discharge of his Duties, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered by Order made by him to remove any such Registrar or Clerk for some sufficient Cause to be stated in such Order.

Vacancies, how to be filled.

IV. When and so often as any Vacancy shall occur in the Office of Master's Registrar, or Second Clerk, such Vacancy shall be filled by the Clerk next in Seniority in the Office wherein such Vacancy shall occur to whom no sufficient Objection, to the Satisfaction of the Lord Chancellor, shall be made; and in all future Vacancies in the Office of Junior Clerk in each Office, the Master in whose Office such Vacancy shall occur shall appoint some fit and competent

competent Person, whose Age shall not exceed *Twenty-eight Years*, to be such Junior Clerk.

Salaries of Master's Registrar and Clerks.

V. The Salary of the said Registrars shall be the yearly Sum of *Six hundred Pounds* each (the Salary at present payable to the said Examiners under the said recited Act of the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, Chapter Eighty-nine), and the Salary of the said Second Clerks shall be the yearly Sum of *Four hundred Pounds* each, and such respective Salaries shall be in lieu of the respective Salaries payable to the Masters Examiners and Assistant Clerks under the said recited Act of the Thirteenth and Fourteenth of Victoria, Chapter Eighty-nine, and the Salaries of the Junior Clerks shall be the yearly Sum of *Two hundred Pounds* each; and all the said Salaries shall be paid and payable out of such Funds, and on such and the same Quarterly Days, and under and subject to the same Regulations as to proportionable Parts at the Commencement and Termination thereof, as are provided for the Masters Examiners and Assistant Clerks by the said recited Act of the Thirteenth and Fourteenth of Victoria, Chapter Eighty-nine.

Master's Registrar and Second Clerk empowered to administer Oaths, &c.

VI. Every such Registrar and Second Clerk appointed or to be appointed under this Act shall have full Power and Authority, and they are hereby authorized, empowered, and directed, while they shall respectively hold their respective Offices, to administer Oaths, and to take Affirmations, Declarations, or Attestations of Honour, Examinations, or other Matters to be put in on Oath in the said Court of Chancery; and all Persons swearing, declaring, affirming, or attesting before any of such Persons so authorized to administer Oaths, and take Declarations, Affirmations, or Attestations of Honour, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths, and to take Declarations, and receive Affirmations.

Fees now payable in the Offices of Masters Examiners to be received by the Second Clerk.

VII. All Fees and Sums of Money heretofore payable to the Masters Examiners, or in their Offices respectively, shall from Time to Time be paid to the Masters Second Clerks appointed or to be appointed under this Act, who shall receive the same and keep true and accurate Accounts thereof, and shall pay and apply all Fees and Sums of Money so to be received by them respectively at the Times, subject to the Deductions for copying, and in the Manner provided for Payment thereof by the Masters Examiners by the said recited Act of the Thirteenth and Fourteenth Victoria, Chapter Eighty-nine,

and the several Sums so from Time to Time paid into the Bank of Ireland to the Credit of the Accountant General of the said Court shall be placed to the Credit of the Account called "The Suitors Fee Fund Account."

Orders made by the Masters to be prepared in their Offices.

VIII. All Orders pronounced or made by the Masters shall be prepared in their Offices, and the same, when signed, shall be transmitted to the Office of the Registrars of the said Court of Chancery, there to remain of Record.

Examination of Witnesses in aid of Accounts transferred to Examiners in Chief.

IX. As the Duty of examining Witnesses in aid of Accounts, heretofore performed by the Masters Examiners, would interfere with the due and proper Discharge of their Duties as Registrars to the Masters, all such Examinations of Witnesses in aid of Accounts as heretofore were taken by the Masters Examiners, shall henceforth be taken by the Examiners in Chief of the said Court, who are hereby authorized and directed to take the same, subject nevertheless to such General Orders as may be made in relation thereto in pursuance of the before-recited Act of the Nineteenth and Twentieth of Victoria, Chapter Ninety-two.

Business relating to the Duties and Office of Receiver depending in the other Masters Offices to be transferred to Receiver Master's Office.

X. All Business relating to the Office of Receiver under the said Court of Chancery, or the Duties of such Office, and all Proceedings which relate to the Management or letting of Estates under the Control of the said Court, or incident thereto, depending in or attached to the Offices of the several Masters in Ordinary of the said Court other than the Receiver Master's Office, together with such Books and Documents relating to such Business as may be necessary for the Purpose, shall be forthwith transferred to the Office of the Receiver Master, who shall from thenceforth pass all Accounts and perform all such other Duties in relation to such Business, subject nevertheless to such Alterations and Amendments in the Practice as may be effected by any General Orders to be made in relation thereto in pursuance of the before-recited Act of the Nineteenth and Twentieth of Victoria, Chapter Ninety-two; and no Reference, save and except for Business of the above-mentioned Description, shall in future be made to such Receiver Master.

No further References except for Receiver's Business to be made to Receiver Master.

Lord Chancellor empowered to distribute Business pending in Receiver Master's Office, not being Receivership

XI. If it shall appear to the Lord Chancellor, after the Business mentioned in the preceding Section of this Act shall have been transferred to the Office of the Receiver Master, that any Inconvenience or Delay in such Business is occasioned in consequence of References depending in or attached to the Receiver Master's Office, not being Receivership Business of the Description in the preceding Section mentioned, such latter mentioned Business shall be distributed amongst

amongst the other Masters of the said Court in such Manner as the Lord Chancellor shall think proper to direct.

Business, amongst the other Masters.

XII. When any Petition shall be presented to the said Court of Chancery with respect to any of the Branches of Jurisdiction specified in the Fifteenth Section of the Court of Chancery (Ireland) Regulation Act, 1850, or in any or such other Branches of Jurisdiction as have been or may hereafter be specified in any General Order made or to be made for that Purpose, it shall not be necessary to apply to the Lord Chancellor for a Summary Order to refer the Matter of such Petition to One of the Masters in Ordinary of the said Court; but every such Petition, on being filed in the proper Office, shall, as of course, stand referred to One of the Masters in Ordinary of the said Court in rotation without any Rule or Order of the said Court for that Purpose; and such Master shall have and exercise all such and the same Powers, Authority, and Jurisdiction in reference thereto as are provided in the said recited Act or any other Act in reference to the Petitions specified in the said Fifteenth Section of said Act, and shall have all such further Powers as are now vested in the Lord Chancellor or the Master of the Rolls for the Amendment of such Petitions, the Service or Substitution of Service of Notice or Process on Parties out of the Jurisdiction of the Court, or binding Persons by the Proceedings in such Suits or otherwise howsoever, save the Right of hearing Appeals from the Orders of the Masters in such Petition Matters as now existing.

Preliminary Hearings before the Lord Chancellor of Petitions filed under the Fifteenth Section of the Chancery Regulation Act abolished.

XIII. It shall be lawful for

to appoint an Officer to be "Keeper of Deeds" in the said Court, and also to appoint a Clerk to assist such Keeper of Deeds in the Discharge of his Duties, who shall hold their respective Offices during good Behaviour, and so long as they shall personally give their Attendance upon their respective Duties and shall conduct themselves diligently and faithfully in the due Execution of the Duties of their said Offices respectively, and shall not be removed except by the Order of the Lord Chancellor, who is hereby empowered by Order made by him to remove any such Keeper of Deeds or Clerk for some sufficient Cause to be stated in such Order.

Power to

to appoint a Keeper of Deeds, and a Clerk to assist him in discharge of his Duties.

XIV. The Salary of such Keeper of Deeds shall be the annual Sum of *Four hundred Pounds*, and the Salary of such Clerk shall be the annual Sum of *Two hundred Pounds*, and such Salaries shall grow due from Day to Day, but shall be payable under an Order of the Lord Chancellor on the First Day of January, the First Day of April, the First Day of July, and the First Day of October in every Year, or on such other Days as the Lord Chancellor shall from Time

Salaries to Keeper of Deeds and his Deputy.

to Time by any Order direct, and shall be paid to the Parties entitled thereto, or their respective Executors or Administrators, out of the Fund standing to the Credit of the Accountant General of the Court of Chancery called "The Suitors Fee Fund Account."

Vacancies in the Offices of Keeper of Deeds and his Deputy, how to be filled.

XV. Whenever a Vacancy shall occur in the Office of Keeper of Deeds, the Clerk in such Office, provided no sufficient Objection to the Satisfaction of the Lord Chancellor shall exist thereto, shall succeed to such Office of Keeper of Deeds, and whenever a Vacancy shall occur in the Office of Clerk in such Office it shall be lawful for to supply such Vacancy by the Appointment of some proper Person thereto whose Age shall not exceed *Twenty-eight* Years.

Lord Chancellor to cause suitable Offices to be provided.

XVI. It shall be lawful for the Lord Chancellor to cause to be provided for such Keeper of Deeds and his Deputy a suitable Office or Offices, with all necessary and proper Depositories and Conveniences for the safe Custody of all Deeds and Documents committed to his Charge, and the Performance of the other Duties of his Office.

Deeds in the Offices of the Masters, &c. to be handed over to Keeper of Deeds.

XVII. All Deeds and Documents of Title in the Offices of the respective Masters in Ordinary of the said Court, or in any of the other Offices of the said Court (the Office of the Deputy Keeper of the Rolls excepted), shall, as soon as a proper and suitable Office or Depository shall have been provided for them, as in the preceding Section mentioned, be handed over to such Keeper of Deeds, and

All Deeds, &c. to be lodged in said Office.

all Deeds and Documents of Title hereafter to be brought into and deposited in the said Court of Chancery shall be lodged in such Office, subject nevertheless to the present or any future existing Practice of the Court in relation thereto.

Keeper of Deeds to keep Books, &c.

XVIII. The Keeper of Deeds shall keep or cause to be kept in his Office such Books for Reference, and perform all such Duties, in relation to his said Office, as shall from Time to Time be prescribed or directed by any General Orders of the Court, to be made for that Purpose, and all Parties entitled under any Rule or Practice of the Court shall have Access to, and be at liberty to inspect, the Deeds and Documents in such Office, at all reasonable Times during Office Hours.

Keeper of Deeds authorized to give Copies of Deeds, &c. to Persons entitled thereto.

XIX. It shall be lawful for such Keeper of Deeds from Time to Time to furnish to such Persons as may be entitled to and require the same, Copies of any Deeds or Documents lodged in his Office, and to charge for such Copies at the Rate of *Fourpence* per Folio of Seventy-

Seventy-two Words (over and above any Stamp or other Duty by Law required to be affixed thereto), and he shall keep true and accurate Accounts of all Sums received by him for such Copies, and shall pay the same into the Bank of Ireland to the Credit of the Accountant General of the said Court once in every Month, after deducting thereout all Sums lawfully paid by him for copying such Deeds or Documents, at the Rate of *Three Halfpennies* per Folio of Seventy-two Words, the Amount so received and paid to be verified by his Affidavit, the Sums so paid in from Time to Time to be placed to the Credit of "The Suitors Fee Fund Account."

The Clerk of the Affidavits in the Court of Chancery empowered to administer Oaths, &c.

XX. It shall be lawful for the "Clerk of the Affidavits" in the said Court, and he is hereby fully authorized, empowered, and required, to administer Oaths, and to take Affidavits, Affirmations, Declarations, and Attestations of Honour to be put in on Oath in the said Court; and all Persons swearing, declaring, affirming, or attesting before such Clerk of Affidavits, shall be liable to all such Penalties, Punishments, and Consequences for any wilful and corrupt false swearing, declaring, affirming, or attesting contained therein, as if the same had been sworn, declared, affirmed, or attested before any Person now by Law authorized to administer Oaths and to take Declarations and receive Affirmations.

Affidavits, &c. to be sworn, where practicable, before the Officer in whose Office they are to be filed not to be returned after being sworn;

XXI. Affidavits, Affirmations, Declarations, and Attestations of Honour in Causes or Matters depending in the said Court of Chancery shall, so far as may be practicable or convenient, be sworn or made before the Officer in whose Office the same are to be filed or lodged, and they shall not after being so sworn or made be returned to the Custody of the Person who shall have sworn or made the same, or to any Solicitor or Agent; and when any such Affidavit, Affirmation, Declaration, or Attestation of Honour shall be sworn or made before any Officer of the said Court in whose Office the same is not to be filed or lodged, such Officer shall forthwith transmit such Affidavit, Affirmation, Declaration, or Attestation of Honour to the Office where the same is to be filed or lodged; and when any such Affidavit, Affirmation, Declaration, or Attestation of Honour shall be sworn or made before a Master Extraordinary in Ireland, or before a Master Extraordinary or Special Commissioner in England, such Master Extraordinary or Special Commissioner shall forthwith make up the same in a Parcel under Seal, and transmit the same by Post to the Officer in whose Office such Affidavit, Affirmation, Declaration, or Attestation of Honour is, according to the Rules and Practice of the Court, to be lodged or filed, first paying the Postage thereof, and charging the same to the Parties: Provided nevertheless, that

Affidavits, &c. sworn before a Master Extraordinary or Special Commissioner, how to be returned.

Proviso when Affidavits, &c. are not to be filed upon being sworn.

that if the Person who shall swear or make any such Affidavit, Affirmation, Declaration, or Attestation of Honour shall not at the Time of swearing or making desire it to be filed, he shall be at liberty to seal it up in an Envelope, and it shall so remain until he shall deem it convenient or necessary to file it.

Officers and Clerks appointed under this Act to be entitled to Retiring Allowances.

XXII. Every Officer and Clerk appointed or to be appointed under this Act shall be entitled to the like retiring Allowances, and upon the same Conditions as are, in the "Court of Chancery (Ireland) Regulation Act, 1850," provided in respect of the Officers and Clerks of the said Court of Chancery; and all the Provisions of the said Act relating to such Retiring Allowances, and the Abatements to be made from the Salaries and Official Incomes in the said Act mentioned, shall extend to and include the said Officers and Clerks, and their respective Salaries; and the said Retiring Allowances shall be paid out of the same Funds as are in the said Act specified, subject and without Prejudice to the Payment of all Salaries and other Sums of Money by any former Act or Acts now in force directed or authorized to be paid thereout.

Solicitors or Attornies appointed to any Office under this Act to be struck off the Roll.

XXIII. Every Solicitor or Attorney who shall be appointed to and shall accept Office under this Act shall cease to be an Attorney or Solicitor, and shall forthwith procure himself to be struck off the Roll of Solicitors of the Court of Chancery, and off the Roll of any of Her Majesty's Courts of Record at Dublin, on which his Name may be.

Interpretation of Act.

XXIV. In the Construction of this Act the Expression "The Lord Chancellor" shall mean the Lord Chancellor of Ireland, and shall include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of Ireland; the Expression "Master" shall mean a Master in Ordinary of the said Court.

Court of Chancery (Ireland).

A

B I L L

To make Provision for the Appointment of Registrars to the Masters of the Court of Chancery in Ireland, also for the safe Custody of Title Deeds and Documents lodged in the said Court; and to amend the Practice in certain Particulars.

(*Prepared and brought in by Mr. Whiteside and Mr. Napier.*)

Ordered, by The House of Commons, *to be Printed*, 13 *May* 1857.

[Bill 15.]

Under 2 *oz.*

4 *June* 1857. 20 Vict. (Sess. 2.)

(Ireland.)

A

BILL

TO

Alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in Ireland.

WHEREAS by an Act of the Session of the Parliament of Ireland holden in the Fortieth Year of the Reign of His late Majesty King George the Third, Chapter Thirty-nine, Writs of Error upon Judgments of the Superior Courts of Law in Ireland were made returnable in the Court thereby constituted, and since commonly called the Court of Exchequer Chamber, and the Chief Justices, Chief Barons, and the rest of the Justices and Barons, or any Nine of them assembled in the said Court, were empowered to examine and affirm or reverse such Judgments: And whereas by an Act of the Session of Parliament holden in the First Year of the Reign of His late Majesty King George the Fourth, Chapter Sixty-eight, increased Powers were given to the said Court of Exchequer Chamber: And whereas by the "Common Law Procedure Amendment Act (Ireland), 1853," and the "Common Law Procedure Amendment Act (Ireland), 1856," further Provision was made for the bringing of Error and Appeals into the said Court of Exchequer Chamber: And whereas it is expedient that the Procedure in Error in the said Court should be rendered uniform, and that all Proceedings in

Preamble.

40 G. 3. c. 39.

1 G. 4. c. 68.

16 & 17 Vict. c. 113.

19 & 20 Vict. c. 102.

in Error and upon Appeals brought into the said Court on Judgments and other Proceedings of any of the Courts of Queen's Bench, Common Pleas, and Exchequer should be before the Justices only, or the Justices and Barons only, as the Case may be, of the Two other of the said last-mentioned Courts: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Appeals from one Court to Judges of Two other Courts. 1 W. 4. c. 70. s. 8.

I. In all Cases in which Error or an Appeal shall, after the *passing of this Act*, be brought into the said Court of Exchequer Chamber upon any Judgment or other Proceeding of any of the Courts of Queen's Bench, Common Pleas, or Exchequer, the Proceedings in the said Court of Exchequer Chamber in Error, or upon such Appeal, shall be before the Chief Justices and Justices only, or Chief Justice and Justices, Chief Baron and Barons only, as the Case may be, of the Two other of the said Courts, or any *Six* or more of them.

Act not to affect Chief Justices or Chief Baron.

II. Nothing in this Act contained shall in any way affect the Power or Jurisdiction of either of the Chief Justices or the Chief Baron to fix the Sittings of the said Court, or (save in Proceedings in Error or upon Appeal, to which the last preceding Section shall apply,) to do any other Thing in or relating to the said Court.

Procedure in Error shall be uniform.

III. In order that the Procedure in Error in the said Court of Exchequer Chamber upon all Judgments and Proceedings of the Superior Courts of Law may be rendered, so far as possible, uniform, the Enactments of the "Common Law Procedure Amendment Act (Ireland), 1853," with respect to the bringing of Error into the said Court of Exchequer Chamber, and the Rules and Orders made or to be made in pursuance of the said Act, shall extend to and include the bringing of Error in the said Court of Exchequer Chamber upon all Judgments and Proceedings of the Court of Chancery as a Court of Law, of the Courts of Queen's Bench, Common Pleas, and Exchequer, as well in Crown as in all other Cases in which Error upon such Judgments or Proceedings may now be brought in the said Court of Exchequer Chamber; and the Procedure in Error in the said Court of Exchequer Chamber, and the Proceedings consequent thereon, shall, so far as practicable, in all such Cases be pursuant to the said "Common Law Procedure Amendment Act (Ireland), 1853," and the said Rules made or to be made under the said Act:

Proviso.

Provided, that nothing in this Act contained shall be construed to enable Error to be brought in Cases in which Error cannot now be brought: Provided also, that where any Fiat or Consent is now required in any Proceeding in Error, such Fiat or Consent shall continue

continue to be required in the corresponding Proceeding in Error under this Act.

IV. The Power to make General Orders for the said Court of Exchequer Chamber under Section Two hundred and thirty-three of the "Common Law Procedure Amendment Act (Ireland), 1853," shall extend to all Proceedings in Error in the said Court. Power to make General Orders.

Court of Exchequer (Ireland).

A

B I L L

To alter the Constitution and amend the Procedure of the Court of Exchequer Chamber in Ireland.

(*Prepared and brought in by Mr. Attorney General for Ireland and Mr. Massey.*)

Ordered, by The House of Commons, *to be printed,* 4 *June* 1857.

[Bill 46.]

Under 1 *oz.*

A

B I L L

TO

Regulate the Distribution of Business in the Court of Session in Scotland.

WHEREAS it is expedient that Provision should be made for the more convenient Distribution of the Business of the Court of Session, and for diminishing Arrears in that Court: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

Power to the Lord President to take Measures for promoting Despatch of Business.

I. It shall be lawful for the Lord President of the Court of Session, from Time to Time, as it shall appear to him to be necessary or expedient, with a view to promote the due Despatch of the Business of the Court, to transfer Causes from the one Division of the Court to the other, and from any one Lord Ordinary to any other Lord Ordinary, to such Extent as he shall judge to be necessary or expedient, for the Purpose of promoting Despatch and preventing Delay; and to enable the said Lord President to exercise such Power, it shall be lawful for him to require the Keepers of the Rolls of the respective Divisions, the Principal and Depute Clerks of Session, and the Clerks of the several Lords Ordinaries, or any of them, to transmit to him, from Time to Time as he shall direct, Lists of the whole Causes depending before such Divisions respectively and the

several Lords Ordinaries, and also to attend upon him from Time to Time, and give such Information in regard to such Lists, and the State of the Business generally, as he may require.

Lord President may order Lists of Causes transferred.

II. When the said Lord President shall at any Time judge it necessary to transfer Causes from the one Division to the other, or from any one Lord Ordinary to any other Lord Ordinary, under the Power hereby given, he shall require to be prepared a List or Lists of the Causes so transferred; and every such List shall have a Title specifying the Division from which, or the Lord Ordinary from whom, and also the Division to which, and the Lord Ordinary to whom, the Transference is made, and bearing that such Transference is made by the Lord President under the Authority of this Act; and every such List shall be dated and subscribed at the End thereof by the said Lord President, and shall be effectual to operate a Transference of the Causes therein contained in Terms of the Title thereof, and the Causes shall thereafter be held to depend before the Division to which or the Lord Ordinary to whom the Transference is made in the same Manner and to the same Effect in all respects as if such Causes had originally depended before such Division or Lord Ordinary; and it shall be sufficient that the Causes shall be entered in the said Lists in the same Manner in which Causes are in use to be entered in the Long Rolls of the Divisions or the Debate Rolls of the Lords Ordinaries: Provided always, that all Causes so transferred shall be taken from the Causes last enrolled in the Order of their Enrolment.

Lists to be entered in Books of Sederunt and published.

III. Every List of Causes transferred by the Lord President as aforesaid shall be entered in the Books of Sederunt, and shall be forthwith printed and published on the Walls of the Court, and shall also be published in the Minute Book.

Summary Petitions, &c. how disposed of.

IV. All Summary Petitions and Applications to the Lords of Council and Session which are not incident to Actions or Causes actually depending at the Time of presenting the same shall be brought before the junior Lord Ordinary officiating in the Outer House, who shall deal therewith and dispose thereof as to him shall seem just; and in particular all Petitions and Applications falling under any of the Descriptions following shall be so enrolled before and dealt with and disposed of by the junior Lord Ordinary, and shall not be taken in the first instance before either of the Two Divisions of the Court; viz.,

1. Petitions and Applications under any of the various Statutes now in force relative to Entails:
2. Petitions and Applications under any of the General Railway Acts, or under the Lands Clauses Consolidation (Scotland) Act, 1845, or under any Local or Personal Act:

3. Petitions

3. Petitions and Applications relative to Money consigned under any Statute or Law, subject to the Order, Disposal, or Direction of the Court of Session:
4. Petitions and Applications for the Appointment of Judicial Factors, Factors Loco Tutoris or Loco Absentis, or Curators Bonis, or by any such Factors or Curators for extraordinary or special Powers, or for Exoneration or Discharge:
5. All Petitions, Applications, and Reports under the Act of the Twelfth and Thirteenth Victoria, Chapter Fifty-one, intituled "An Act for the better Protection of the Property of Pupils, "absent Persons, and Persons under Mental Incapacity in "Scotland."

Lord Ordinary may consult professional Persons or Persons of Science or Skill.

V. The Lord Ordinary before whom any such Petition, Application, or Report shall be enrolled or brought shall have full Power to decide on and dispose of the same, after making such Investigation and requiring such Assistance from professional Persons, or Persons of Science or of Skill, as he shall judge proper, and his Judgment upon the Merits shall be subject to Review in manner herein-after provided; and the Judgment of the Lord Ordinary granting or refusing any such Petition or Application, or disposing of any such Report, unless the same shall be brought under Review in manner herein-after provided, shall be equally valid and effectual as a Judgment of either Division of the Court to the like Effect, according to the present Law and Practice; and all Laws and Statutes inconsistent herewith are hereby repealed to the Effect of rendering the Provisions of this Act operative and effectual.

Review of the Lord Ordinary by Interlocutor on Merits only allowed.

VI. It shall not be competent to bring under Review of the Court any Interlocutor pronounced by the Lord Ordinary upon any such Petition, Application, or Report as aforesaid, with a view to Investigation and Inquiry merely, and which does not finally dispose thereof upon the Merits; but any Judgment pronounced by the Lord Ordinary on the Merits may be reclaimed against by any Party having lawful Interest to reclaim to the Court, provided that a Reclaiming Note shall be boxed within *Eight* Days, after which the Judgment of the Lord Ordinary, if not so reclaimed against, shall be final.

Court of Session (Scotland).

A

BILL

To regulate the Distribution of Business in the Court of Session in Scotland.

(*Prepared and brought in by The Lord Advocate and Sir George Grey.*)

Ordered, by The House of Commons, *to be Printed,* 22 *June* 1827.

[Bill 72.]

Under 1 *oz.*

A

BILL

INTITULED

An Act for the Prevention of Overcrowding in the Dwellings of the Poor.

[Note.—*The Words and Clause printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS by Two Acts, respectively intituled "The Common Lodgings Houses Act, 1851," and "The Common Lodgings Houses Act, 1853," Provision is made for the Registration and Regulation of Common Lodging Houses: And whereas it is expedient that further Provision should be made for the Prevention of Overcrowding in the Dwellings of the Poor: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited for all Purposes as "The Crowded Dwellings Prevention Act, 1857." Short Title of Act.

II. This Act shall apply only to such Parts of the Metropolis as are situate within the Metropolitan Police District. Limits of Act.

III. No House or Part of a House shall be exempted from the Provisions of the said Common Lodging Houses Acts by reason only that the Lodgers in such House or Part of a House are Members of the same Family, unless such Family consists solely of Persons in the Relation- When House inhabited by Family to be deemed Common Lodging House.

Relationship of Grandfather, Grandmother, Father, Mother, Child or Children, Grandchild or Grandchildren; and the Burden of proving such Relationship shall lie upon the Persons against whom Proceedings are being taken by the Commissioners of Police.

Power for Commissioners of Police to enforce Section 29. of Nuisances Removal Act.

IV. Whenever it appears to the Commissioners of Police of the Metropolis that any House is so overcrowded as to be dangerous or prejudicial to the Health of the Inhabitants of such House or of the neighbouring Houses, and the Inhabitants of such first-mentioned House shall consist of more than One Family, the Commissioners may apply to the Local Authority mentioned in the "Nuisances Removal Act for England, 1855," to cause Proceedings to be taken before the Justices to abate such Overcrowding, in manner directed by the Twenty-ninth Section of that Act; and if the Local Authority shall not within Seven Days after such Application has been made take such Proceedings, the said Commissioners of Police may cause such Proceedings to be taken, and all Expenses properly incurred by the said Commissioners of Police under this Section shall be paid by the Local Authority so in default, and may be recovered in a summary Manner.

Expenses incurred how paid.

All Expenses incurred by the said Commissioners of Police in pursuance of this Act, and not recovered from the Local Authority, shall be deemed to be Expenses incurred by them in respect of the Police Force of which they are Commissioners, and be paid accordingly.

Crowded Dwellings Prevention.

A

BILL

INTITULED

An Act for the Prevention of Overcrowding in the Dwellings of the Poor.

(*Brought from the Lords 24 July 1857.*)

Ordered, by The House of Commons, *to be Printed,*
27 July 1857.

[Bill 160.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the Prevention of Overcrowding in the Dwellings of the Poor.

WHEREAS by Two Acts, respectively intituled "The Common Lodgings Houses Act, 1851," and "The Common Lodgings Houses Act, 1853," Provision is made for the Registration and Regulation of Common Lodging Houses: And whereas it is expedient that further Provision should be made for the Prevention of Overcrowding in the Dwellings of the Poor: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act may be cited for all Purposes as "The Crowded Dwellings Prevention Act, 1857." Short Title of Act.

II. No House or Part of a House which would be deemed to be a Common Lodging House or Part of a Common Lodging House if the Lodgers therein were not Members of the same Family shall be exempted from the Provisions of the said Common Lodging Houses Acts by reason only that the Lodgers in such House or Part of a House are Members of the same Family, unless such Family consists When House inhabited by Family to be deemed Common Lodging House.

 solely

solely of Persons in the Relationship of Husband, Wife, Grandfather, Grandmother, Father, Mother, Child or Children, Grandchild or Grandchildren; and the Burden of proving such Relationship shall lie upon the Persons against whom Proceedings are taken.

Power for Commissioners of Police to enforce Section 29. of Nuisances Removal Act.

III. Whenever it appears to the Commissioners of Police of the Metropolis that any House is so overcrowded as to be dangerous or prejudicial to the Health of the Inhabitants of such House or of the neighbouring Houses, and the Inhabitants of such first-mentioned House shall consist of more than One Family, the Commissioners may apply to the Local Authority mentioned in the "Nuisances Removal Act for England, 1855," to cause Proceedings to be taken before the Justices to abate such Overcrowding, in manner directed by the Twenty-ninth Section of that Act; and if the Local Authority shall not within Seven Days after such Application has been made take such Proceedings, the said Commissioners of Police may cause such Proceedings to be taken, and all Expenses properly incurred by the said Commissioners of Police under this Section shall be paid by the Local Authority so in default, and may be recovered in a summary Manner.

Clause A. Expenses incurred how paid.

IV. All Expenses incurred by the said Commissioners of Police in pursuance of this Act, and not recovered from the Local Authority, shall be deemed to be Expenses incurred by them in respect of the Police Force of which they are Commissioners, and be paid accordingly.

Crowded Dwellings Prevention.

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act for the Prevention of Overcrowding in the Dwellings of the Poor.

(*Brought from the Lords 24 July* 1857.)

Ordered, by The House of Commons, *to be Printed,* 13 *August* 1857.

[Bill 187.]

Under 1 *oz.*

(Scotland.)

A

BILL

TO

Regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland.

Preamble.

WHEREAS Doubts are entertained as to the proper Instance to be employed in the Institution of Actions, Suits, and Proceedings in the Courts of Justice in Scotland on the Behalf of Her Majesty and of Public Departments: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Crown Suits, &c. may be brought in Name of the Lord Advocate;

I. Every Action, Suit, or Proceeding to be instituted in Scotland on the Behalf of Her Majesty, Her Heirs and Successors, or in the Interest of the Crown, or on the Behalf of any Public Department, may be lawfully raised in the Name and at the Instance of Her Majesty's Advocate for the Time being as acting under this Act.

with the Sanction of the Department having the Interest.

II. Provided always, That before instituting any such Action, Suit, or Proceeding Her Majesty's Advocate shall have the Authority of Her Majesty or of the Public Department respectively on whose Behalf such Action, Suit, or Proceeding shall be instituted, to the Institution thereof.

Persons prosecuted not entitled to object to the Instance.

III. Provided also, That it shall not be competent to any Defender or Respondent in any Action, Suit, or Proceeding instituted as aforesaid to challenge or impugn the Instance of such Action, Suit, or Proceeding, or the Right or Title of Her Majesty's Advocate to raise and prosecute the same, upon any Allegation that such Authority (as aforesaid) has not been granted, or that Evidence of such Authority is not produced.

Interpretation.

IV. The Expression "Public Department" shall include the Commissioners of Her Majesty's Treasury, the War Department, the Post Office, the Board of Inland Revenue, the Board of Customs, the Commissioners of Woods and Forests, the Commissioners of Public Works, the Board of Trade, and all the like Public Departments, Bodies, or Boards, and all and every Officer and Officers, Person and Persons acting on the Behalf or in the Interest of or entitled at the Date of *the passing of this Act* to sue on the Behalf or in the Interest of any such Public Department.

Existing Actions, &c. not to be affected.

V. Nothing in this Act contained shall affect the Instance of any Action, Suit, or Proceeding instituted or that may be instituted in conformity with the Law as existing at the Date of the *passing of this Act;* and no Action, Suit, or Proceeding raised or to be raised at the Instance of Her Majesty's Advocate for the Time being shall abate or be affected by any Change in the Person holding the Office of Her Majesty's Advocate.

Repeal of Acts.

VI. All Laws, Statutes, and Usages are hereby repealed, so far as necessary to give Effect to this Statute, but no further or otherwise.

Crown, &c. Suits (Scotland).

A

BILL

To regulate the Institution of Suits at the Instance of the Crown and the Public Departments in the Courts of Scotland.

(*Prepared and brought in by The Lord Advocate and Sir George Grey.*)

Ordered, by the House of Commons, *to be Printed,* 22 *June* 1857.

[Bill 74.]

Under 1 *oz.*

Cruelty to Animals Act Amendment Bill.

ARRANGEMENT OF CLAUSES.

Preamble recites 12 & 13 Vict. c. 92. and 17 & 18 Vict. c. 60.

I. *As to Slaughter-houses:*

Houses for slaughtering Cattle for Butchers Meat to be licensed. Exception for Slaughter-houses provided under Acts of Parliament; Sect. 1.

Authority to grant such Licences; 2.

Application for Licence; 3.

Grant of Licence; 4.

Licence to be annual; 5.

Appeal to Quarter Sessions; 6.

Revocation of Licence for Misconduct. Notice; 7.

Words to be affixed to the Entrance of Slaughter-houses. Penalty for Neglect; 8.

Penalty for using a Slaughter-house without a Licence; 9.

Penalty for ill-treating Cattle in Slaughter-houses; 10.

Inspection of Slaughter-houses; 11.

Children not to be present at the slaughter of Animals; 12.

II. *As to Drovers of Cattle.*

Drovers of Cattle to be licensed, and to wear a Ticket; 13.

Authority to grant such Licences and Tickets; 14.

Conditions of the Grant of a Licence and Tickets; 15.

Ticket to be worn conspicuously; 16.

Penalty for false Representation on Application for a Licence; 17.

Penalties for Offences by licensed Drovers and Persons falsely representing themselves to be licensed; 18.

Revocation of License; 19.

Constables may apprehend Offenders, and convey before Justices for Punishment; 20.

III. *Miscellaneous Provisions:*

Regulation for the driving of Cattle through the public Streets; 21.

Supply of Water for watering Horses and Cattle. Proviso for the Metropolitan Police District; 22.

Horses to be used in Stage and Hackney Carriages to be inspected before the Licence of the Carriage; 23.

Inspection of Cattle to be used in Hackney Carriages out of the Metropolitan Police District; 24.

Licence revoked if Horses improper for the Service, &c. used; 25.

Penalty for carrying in licensed Carriages beyond the certified Number of Persons; 26.

Worn out and disabled Horses may be destroyed by Order of Justices; 27.

Penalty for improperly conveying Animals; 28.

Imprisonment for flaying or pluming Animals while in a living State; 29.

Imprisonment for having in Possession Skins taken from living Animals; 30.

Fighting or baiting Animals. Penalty; 31.

Animals used for fighting or baiting may be seized, forfeited, and destroyed; 32.

Animals deserted may be killed; 33.

Acts of Cruelty liable to Punishment; 34.

Penalties for repeated Offence; 35.

Private whipping may be added to or substituted for Imprisonment of Boys under Fourteen; 36.

IV. *Procedure:*

Complaints to be laid within Three Months after Offence committed; 37.

Apportionment of Penalties; 38.

Moiety of Penalty in all Cases to the Complainant; 39.

Appeal by Complainant; 40.

In all Convictions the Complainant to have his reasonable and necessary Costs; 41.

Forms in the Schedule to be used; 42.

Construction as One Act of the amending and amended Acts. Definition of the Word "Animal"; 43.

SCHEDULE OF FORMS.

A

BILL

TO

Amend the Acts for the more effectual Prevention of Cruelty to Animals.

WHEREAS the Laws for the Prevention of Cruelty to Animals have been found very beneficial in their Operation, but many Cruelties are still practised in the driving, carrying, and slaughtering and other Use and Treatment of Animals, which the present Laws are insufficient to prevent; and it is therefore expedient to amend the Act of the Twelfth and Thirteenth Years of Her present Majesty, for the more effectual Prevention of Cruelty to Animals, and the other Act of the Seventeenth and Eighteenth Years of Her Majesty, to amend the said Act of the Twelfth and Thirteenth: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. *As to Slaughter-houses:*

I. From and after the *First Day of January* after the passing of this Act, no Person shall keep or use any House or Place for the Business of slaughtering or killing any Cattle for Butchers Meat, unless such House or Place be licensed for the Purpose under the Provisions of this Act: Provided always, that no such Licence shall Slaughter-houses to be licensed.

Exception of public Slaughter-houses.

be necessary in the Case of any Slaughter-house provided by a Local Board of Health, or under the Provisions of any Local Act of Parliament, for the Accommodation and at the Expense of any City, Town, Borough, or Place, nor shall any of the Provisions of this Act as to the licensing of Slaughter-houses apply to the Metropolitan Police District, except as herein-after expressly provided.

Authority to grant Licences of Slaughter-houses.

II. In every District under the Management of a Local Board of Health such Board of Health shall grant all such Licences for Houses or Places to be used within such District for the Slaughter of Cattle for Butchers Meat, and in all other Places the Justices of the Peace of the County in the Divisions of Petty Sessions, and the Justices of every City or Borough assembled at any Special Sessions to be held in the Month of October in every Year, of which public Notice shall be given, and affixed to or near the Door of every Parish Church within such Division, City, or Borough, or at any Adjournment thereof, shall grant all such Licences for Houses or Places to be so used within such Division, City, or Borough respectively.

Application for Licence.

III. Every Person desirous of obtaining such a Licence must make his Application in Writing to the District Board or Justices respectively for the Grant of the same at least *Fourteen* Days before the same shall be granted, and shall affix and keep affixed to the Door or Gate of the House or Place for which he desires to obtain such Licence, a Notice in Writing, in legible Characters, and so that it may be distinctly seen and read, of his Intention to apply for such Licence; and at the Sessions for the granting of such Licences under this Act, or granting Licences of Slaughter-houses under the Act of the Fourteenth and Fifteenth Victoria, Chapter Sixty-one, the Applicant shall be heard by himself, his Counsel or Attorney, in support of his Application, and any Person desiring to oppose the granting of such Licences shall also be heard by himself, his Counsel or Attorney, against the granting of the same.

Grant of Licence.

IV. Such District Board or Justices respectively shall not grant such Licence, unless they be satisfied that the House or Place proposed to be used for the Slaughter of Cattle is properly situated and adapted for the Purpose, and supplied with Water and other Appliances, Means, and Conveniences for Cleanliness, and for the Avoidance of unnecessary Suffering to the Cattle to be there slaughtered, and that the Person applying for such Licence is a proper Person to receive the same, and not likely to commit any Breach or Violation of the Law in respect of such Cattle.

Licence annual.

V. Every Licence to be so granted shall be granted and shall continue in force for a Period not exceeding *One Year*.

VI. Any

Appeal to Quarter Sessions.

VI. Any Person who thinks himself aggrieved by any Act of any Justice done in or concerning the Grant or Refusal of any Licence for a Slaughter-house may appeal against such Act to the next General or Quarter Sessions of the Peace holden for the County or Place wherein the Cause of such Complaint has arisen, unless such Session be holden within *Twelve* Days next after such Act has been done, and in that Case to the next subsequent Session holden as aforesaid, and not afterwards; and such Appeal shall be subject to the same Provisions and Conditions as to previous Notice and Recognizances for trying such Appeal, and as to the Hearing and Judgment of the General or Quarter Sessions thereon, with the same Powers of awarding Costs relative thereto, as are contained in the Act passed in the Ninth Year of the Reign of King George the Fourth, intituled "An Act to regulate the granting of Licences to Keepers of Inns, "Alehouses, and Victualling Houses in England," in the same Manner as if the Provisions contained in the said Act relating to Appeals were re-enacted in this Act.

Revocation of Licence.

VII. It shall be lawful for such District Board, or where there is no such District Board, for the Justices of the Peace of the County, City, or Borough, at General or Quarter Sessions, upon Application and Complaint made to them in Writing by any Person, and upon Proof made to them that he has given *Fourteen* Days previous Notice in Writing thereof to the Clerk of such District Board, or the Clerk of the Peace of such County, City, or Borough respectively, and also to the Party complained against, and upon Proof to the Satisfaction of such District Board or such Justices that any Person to whom such a Licence has been granted has been guilty of any Breach or Violation of the Laws, or of any sanitary or any other Regulations for the Control and Management of the House or Place so licensed as aforesaid, or of the Laws for the Prevention of Cruelty to Animals, to cancel and wholly put an end to such Licence, and from thenceforth the same shall be of no Force or Effect.

Words to be affixed to the Entrance of Slaughter-houses.

VIII. Every Person who occupies any House or Place licensed under the Provisions of this Act, and uses the same for the Business of killing or slaughtering Cattle, shall cause to be painted or affixed over the Door or Gate of such House or Place, in large legible Characters, his Name, together with the Words "Licensed for slaughtering Cattle for "Butchers Meat, pursuant to an Act passed in the Year "of Her Majesty Qeeen Victoria;" and if such Person do not cause his Name and the said Words to be so painted or affixed, he shall forfeit and pay for such Offence a Penalty not exceeding *Five Pounds*, and shall also forfeit and pay a Penalty not exceeding *Five Pounds* for every Day during which his Neglect continues.

Penalty for using a Slaughter-house unlicensed.

IX. If any Person use any unlicensed House or Place, or any House or Place the Licence of which has been revoked, for the Business of slaughtering or killing of any Cattle for Butchers Meat, he shall for every Animal slaughtered or killed therein, on Conviction thereof, forfeit and pay the Sum of *Five Pounds*.

Penalty for Ill-treatment of Cattle in Slaughter-houses.

X. If any Person who has obtained a Licence for the slaughtering of Cattle for Butchers Meat, whether in the Metropolitan Police District or elsewhere, or any other Person, cruelly beat, or illtreat, or abuse, or wantonly wound or torture, any Cattle, or in the Process of slaying any Cattle subject the same to any unnecessary Suffering, or wantonly, carelessly, or unnecessarily increase or prolong the Suffering of any Cattle, in or about or preparatory to the Process of Slaughter in any House or other Place in the Occupation or Use of the Person who has obtained such Licence, every such Person shall for every such Offence forfeit and pay a Sum not exceeding *Five Pounds*.

Inspection of Slaughter-houses.

XI. It shall be lawful for any Constable, from Time to Time, and as he may think fit, whether alone or in company with any other Person or Persons whom he may think fit to accompany him, by Authority of this Act, to enter upon and view and inspect all and every the Houses, Stables, Sheds, Yards, Grounds and Premises, and every and any Place for the keeping of which any Licence is granted as aforesaid, and to visit and inspect any Cattle from Time to Time found in or upon any Part thereof.

Children not to be allowed to be present at the Slaughter of Animals.

Penalty.

XII. Every Person to whom any Licence is granted for the Use of any House or Place, either for the Slaughter of Animals not killed for Butchers Meat, or for the Slaughter of Cattle killed for Butchers Meat shall so conduct his Business as to prevent every Child under the Age of *Fourteen* Years from being present at or witnessing the Slaughter of any Animal in such House or Place; and if in any Case he otherwise so conduct his Business, or allow any Child to be present at or witness such Slaughter, he shall on Conviction thereof forfeit and pay for every Offence any Sum not exceeding *Five Pounds*.

II. *As to Drovers of Cattle:*

Drovers of Cattle to be licensed, and to wear a Ticket.

Exception of regular Servants.

XIII. From and after the *First Day of January* after the passing of this Act, no Person shall follow the Employment of a Drover of Horses or Cattle for Hire unless he be licensed thereto, and have a Ticket granted to him, under the Provisions of this Act, and remaining in force: Provided always, that no Person bonâ fide hired and serving as a general Servant or Servant in Husbandry, or in the Trade or Business of the Owner of any Horses or Cattle, shall be required

required to be so licensed as a Drover of the Horses or Cattle of his Master.

Authority to grant such Licences.

XIV. Within the Metropolitan Police District the Commissioners of Police, within the City of London the Commissioner of the City Police, within any Town or District where any Person or Persons are acting under any Local Act of Parliament as a Commissioner or Commissioners of Police, or in the Control of the Police of such Town or District, such Commissioner or Commissioners, Person or Persons, within any Corporate Borough where there is no such Commissioner of Police, or Person acting as such, the Council of the Borough, and within all other Places the Justices of the County in every Division of Petty Sessions or of a City or Borough respectively assembled at any Special Sessions of which *Fourteen* Days Notice shall be given and affixed at or near to the Door of any Parish Church within such Division, City, or Borough, shall have Power to grant such Licences to Persons usually resident within such Districts, City, Borough, or other Places respectively.

Conditions of the Grant of a Drover's Licence and Ticket.

XV. Before any such Licence be granted, the Person applying for it shall by his own Testimony, and also by the Testimony or Certificate of at least Two respectable Housekeepers resident within the District, City, Borough, or Place, satisfy the Person or Persons empowered to grant such Licence that he is a fit and proper Person to be employed as a Drover of Cattle, and has not before been licensed to follow such Employment, or having been so licensed in any other District that his Licence has not been revoked, and that he has not been convicted of any Offence against this or the said recited Acts; and if the Applicant satisfy the Persons or Person empowered to grant such Licence in the said Particulars, and pay the Sum of *Five Shillings*, such Person or Persons may grant him a Licence to act as a Drover of Cattle, and a distinctive and numbered Ticket corresponding with the Number inserted in his Licence to be worn by him when acting as such Drover; and such Licence shall bear Date on the Day on which it is granted, and shall continue in force for the Space of One Year, unless the same be sooner revoked; and in every District where the Licence is to be granted by Commissioners of Police or other Officers having Control of the Police, the Expense of providing such Tickets shall in the first place be provided out of the Rate or Funds for the Maintenance of such Police in every Corporate Borough out of the Borough Fund, and in any other District out of the County Rate or Rate in the Nature of the County Rate, for which the Justices at the General Quarter Sessions next after the *passing of this Act*, and from Time to Time, shall give the requisite

Order, and for the Reimbursement of the same out of the Fees to be received for the Grant of such Licences and Tickets.

Ticket to be carried conspicuously.

XVI. Every Drover so licensed shall at all Times during his Employment or acting as a Drover, and whenever he is required to appear before a Justice of the Peace, wear such Ticket conspicuously on the upper Part of his left Arm, in such Manner that the Number thereon may be distinctly visible, and shall during his Employment or acting as a Drover, whenever required by any Person so to do, produce and show to the Person so requiring him his said Ticket.

Penalty for false Representation on Application for a Licence.

XVII. If any Person applying for a Licence as a Drover of Cattle make any false Representation as to his Name or Age or Residence, or as to his having been or not having been previously licensed, or as to his Licence having or not having been previously revoked, or as to his having or not having been convicted of any Offence against this or the said recited Acts, or if, on being required by any Person empowered to grant a Licence to act as a Drover of Cattle, he wilfully refuse to produce his Ticket or any Licence previously granted to him, he shall for every such Offence forfeit and pay a Penalty not exceeding *Forty Shillings* nor less than *Twenty Shillings*.

Penalties for Offences by licensed Drovers and Persons falsely representing themselves to be licensed.

XVIII. If any licensed Drover while employed or acting as a Drover, or when required to appear before a Justice of the Peace, refuse or wilfully neglect to wear his Ticket as required by this Act, or if while so employed or acting, on being required by any Person to produce and show his Ticket, refuses or wilfully neglects so to produce and show his Ticket to the Person so requiring the same, or if, on being required by any Constable or Justice of the Peace to produce his Licence, or deliver up to such Justice his Ticket as such Drover, he refuse or neglect to do so, he shall for every such Offence forfeit and pay a Penalty not exceeding *Forty Shillings* nor less than *Ten Shillings*; and if any Person act as a Drover of Horses or Cattle, or aid or assist in driving any Horses or Cattle, without being licensed according to the Provisions of this Act, or after such Licence has been revoked, or if any Person, not being so licensed, wear a Drover's Ticket, or if any Person, being so licensed, give or lend his Licence or Ticket to another Person, to be worn or produced by such or any other Person, for the Purpose of enabling any other Person to pass for a licensed Drover, he shall for every such Offence forfeit and pay a Penalty not exceeding *Forty Shillings* nor less than *Ten Shillings*.

Revocation of Licence.

XIX. If any licensed Drover be convicted of any Offence under this or the recited Acts, it shall be lawful for the Justices of the Peace

Peace before whom he is convicted to require such Drover to deliver up to them his Licence and Ticket, and to make a Note on his Licence of the Fact of such Conviction, or, if they think fit, to revoke such Licence, and forfeit and detain his Ticket.

Constables may apprehend Offenders, and convey them before Justices for Punishment.

XX. It shall be lawful for any Constable, under the Authority of this Act, and without further Warrant, to take into Custody, and to convey with as much Speed as may be before any Justices, any and every Person acting as a Drover without a Licence, or without a Ticket worn as required by the Provisions of this Act, or who while acting as such Drover refuses or neglects to produce and show his Ticket to any Person who requires him to do so, or who otherwise offends against any of the Provisions of this Act, to be dealt with by such Justices according to Law.

III. *Divers Provisions for the Protection of Animals from Suffering:*

Regulation for the driving of Cattle through public Streets.

XXI. It shall be lawful for the Council of any Corporate Borough, or for the Local Board of Health of any District not consisting exclusively of the whole or Part of any Corporate Borough, or of Two or more such Boroughs, or where there is no such Borough, Council, or Board of Health, for any select or elected Vestry or Board of Commissioners, Trustees, or Directors, or District Board, or other Persons having Control of the public Roads or Highways of the Parish, Town, District, or Place, by whatsoever Name they be designated, from Time to Time to make Byelaws or Regulations, and to alter and amend the same, for the driving of Cattle along and through the public Streets, Roads, and Places within the local Limits of their Jurisdiction respectively, to be made in the same Manner and to be enforced by the same Penalties and Proceedings as other Byelaws or Regulations lawfully made by such Council, Local Board, Vestry Commissioners, or other Persons.

Supply of Water for Horses and Cattle.

XXII. Every Council of a Corporate Borough, and Local Board of Health, select or elected Vestry, or other Board, Commissioners, or Persons as aforesaid, shall within their respective Jurisdictions find, provide, and effectively maintain a sufficient Supply of Water at all Times of the Day and Night in Tanks, Troughs, or other fitting Vessels, and at convenient Places, for the gratuitous watering of Horses and Cattle brought to or standing at any Fair or Market or Place of public Sale or Stand for the Hire of Animals of Draught or Burden, or passing through or along or upon the public Roads or Highways of such Town, District, Parish, or Place, and may pay the Expenses necessarily incurred in making and effectively maintaining such Supply out of the Borough Fund of such Borough, or out of the general Rate

of such District, or the Rates and Funds under the Control or at the Disposal of such Commissioners Board Vestry or other Persons respectively, and in Places where there is no such Council or Local Board of Health, select or elected Vestry, or Commissioners, the Surveyors of Highways or Board of Highways, or Persons performing the Duties of Surveyors of Highways, shall provide and so maintain such Supply of Water in all respects as aforesaid, and may pay the Expenses incurred in making and so maintaining such Supply out of the Rates made for the Maintenance of the Highways: Provided always, that nothing herein contained relating to such Supply of Water shall interfere with the Duty of the Commissioners of Police within the Metropolitan Police District, but such Commissioners of Police, subject to the Approbation of the Commissioners of Her Majesty's Treasury, shall within the Metropolitan Police District provide and maintain a constant Supply of Water by Day as well as by Night at the Standings for Hackney Carriages and Places where Metropolitan Stage Carriages usually ply for Hire.

Proviso for the Metropolitan Police District.

Horses to be used in Stage and Hackney Carriages to be inspected before the licensing of the Carriages.

XXIII. From and after the *passing of this Act*, the Commissioners of Police for the Metropolis shall not grant any Certificate that any Carriage is in a fit and proper Condition for public Use, unless the Person applying for the same produce a Certificate under the Hands of Two respectable Householders living within the District of the Metropolitan Police that such Person is to their Knowledge the actual Owner of a Horse or Horses sufficient and proper for the Draught and Service of such Carriage, and of their Belief that it is his bonâ fide Intention to use such Horse or Horses for such Draught and Service, nor unless and until such and the same Horse or Horses is or are produced and submitted to the Inspection of such Commissioners; and if such Commissioners be satisfied that the Horse or Horses so submitted to their Inspection are sufficient and proper, and is or are the Cattle intended to be used for the Draught and Service of such Carriage, they may, but not otherwise, grant the Certificate required by the Act of the Sixteenth and Seventeenth Victoria, Chapter Thirty-three, Section One.

Inspection of Cattle to be used in Hackney Carriages out of the Metropolitan Police District.

XXIV. From and after the *passing of this Act*, where any Local Commissioners or other Persons whatsoever have Authority to grant any Licence to any Hackney or other Coach or Carriage, or to ply for Hire of any such Coach or Carriage, in any City, Town, District, or Place not within the Limits of the Metropolitan Police District, it shall not be lawful for such Commissioners or other Persons to grant any such Licence to them unless the Person applying for the same produce a Certificate under the Hands of Two respectable Householders living in such City, Town, District, or Place, that such Person

Person is to their Knowledge the actual Owner of a Horse, Ass, or other Cattle sufficient and proper for the Draught and Service of such Coach or Carriage, and of their Belief that it is his bonâ fide Intention to use such Horse, Ass, or other Cattle for such Draught and Service, nor unless and until such Horse, Ass, or other Cattle be submitted to the Inspection of such Commissioners or Persons having Authority to grant such Licence, and they be satisfied that the same is sufficient and proper, and is the Cattle intended to be used for such Draught and Service.

Licence to be revoked if improper Horses be used.

XXV. If it come or be brought to the Knowledge of the Commissioners of Police for the Metropolis, or of the local Commissioners or other Persons whomsoever having elsewhere Authority to grant any such Licence of any Hackney or other Coach or Carriage, and they respectively be satisfied, that the Horse or Horses or any Cattle used at any Time after the granting of such Certificate or Licence is or are not fitted for the due and proper Service of such Coach or Carriage, or is or are unfit for Use therein, the said Commissioners or other Persons as aforesaid, shall thereupon forthwith absolutely recall and revoke the Licence then existing of such Hackney or other Coach or Carriage, and the same shall thereupon be wholly void.

Penalty for carrying in Stage and Hackney Carriages beyond the certified Number of Persons.

XXVI. If any Person to whom any Licence is granted to keep, use, or let to Hire any Metropolitan Stage or Hackney or other Coach or Carriage, allow more Persons than the Number which such Commissioners or other Persons granting any Licence or Certificate certify, specify, or license or permit to be carried in and by such Stage Coach or Carriage, he shall for every Person so carried beyond such Number, on Conviction thereof, forfeit and pay a Penalty of any Sum not exceeding *Forty Shillings* nor less than *Ten Shillings*.

Worn-out or disabled Horses, &c. may be destroyed, by Order of Justices.

XXVII. In any Case where a Complaint is made, under this or either of the said recited Acts, before any Justices, of the cruel Treatment of any Horse or other Animal, if it appear to such Justices, by the Evidence of a Veterinary Surgeon or otherwise to their Satisfaction, that such Horse or other Animal is permanently disabled or worn out, diseased, or unfit for Work, it shall be lawful for such Justices, whether or not the Owner of such Horse or other Animal be liable to or adjudged to pay any Penalty under any of the said Acts, to make an Order (such Owner being present or having been first duly summoned) for the Slaughter of such Horse or other Animal; and when any Summons is issued for the Attendance of such Owner, the Justices may order such Horse or Animal to be detained until the Time named in the Summons, and may make an Order on such Owner for any Expenses incurred in or about the Detention or Keep of such Horse or Animal

and the conveying the same for Slaughter, and the slaughtering thereof, to be enforced and recovered in the same Manner as Penalties or Forfeitures under the said first-recited Act.

Penalty for improperly conveying Animals.

XXVIII. If any Person place, convey, or carry, or cause or permit to be placed, conveyed, or carried, in or upon any Vehicle, or in any Boat, Ship, or Vessel, or remove or cause to be removed from any Vehicle, Boat, Ship, or Vessel, or keep, before or during or after such placing, Conveyance, or Carriage, any Animal, in such a Manner or Position, or without such sufficient and proper Food, Drink, or Litter, as to subject such Animal to unnecessary Pain, Suffering, or Exhaustion, every such Person shall forfeit and pay a Penalty not exceeding *Five Pounds* for every Animal so placed, conveyed, carried, removed, or kept, to be recovered, in the Case of any Joint Stock Company, by Distress of the Goods of such Company; and the Justices by whom the Penalty is adjudged, or either of them, or any other Justice, on Application, shall issue their or his Warrant accordingly.

Punishment by Imprisonment for flaying or pluming Animals in a living State.

XXIX. If any Person wilfully flay or strip off the Skin or pluck out the Plumage of any Animal, in whole or in part, while such Animal is alive, such Person, on Conviction thereof before any Two Justices of the Peace, shall be imprisoned in the House of Correction, with or without Hard Labour, as to such Justices may seem fit, for any Time not exceeding *Six* Months nor less than *Two* Months.

Punishment by Imprisonment for having in Possession Skins taken from living Animals.

XXX. If any Person purchase, receive, or have in his Possession the Skin or Fur of any Animal, knowing or having Cause to believe that such Skin or Fur was taken from the Body of such Animal before the Life of such Animal was extinct, such Person, being convicted thereof before any Two Justices of the Peace, shall be imprisoned in the House of Correction, either with or without Hard Labour, as to such Justices may seem fit, for any Term not less than *One* Month nor exceeding *Six* Months.

Fighting or baiting Animals, Imprisonment.

XXXI. When any Person is convicted under the first-recited Act of keeping or using or acting in the Management of any Place for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Animal (whether of domestic or wild Nature), or of permitting or suffering any Place to be so used, or encouraging, aiding, or assisting in any such Fighting or Baiting, the Justices before whom he is convicted shall in addition to the highest Penalty by the said first-recited Act imposed, commit the Offender to the House of Correction, there to be imprisoned, with or without Hard Labour, for any Term not exceeding *Six* nor less than *Two* Calendar Months; and every Person found present at any such Fighting or Baiting, or

taking

taking part in any Preparation for the same, shall be deemed to be encouraging, aiding, and assisting at such Fighting or Baiting.

Animals used for fighting or baiting may be seized, forfeited, and destroyed.

XXXII. In any Case where any Bull, Bear, Badger, Dog, Cock, or other Animal, whether of a domestic or wild Nature, is baited or incited to fight or to bait, it shall be lawful for any Constable to seize and take and keep possession of such Animal until a Decision of Justices can be obtained; and the Justices, in addition to the Penalty and Punishment to which the Owner of any such Animal or any other Persons may by Law be liable, shall adjudge the Forfeiture of such Animal, and may direct how the same, or the Value or Proceeds thereof, shall be disposed of, and, if they see fit, may direct that the said Animal be killed, and that some Constable or other Person forthwith take such Animal to some proper Place for the Slaughter of such Animal, and see the same forthwith slaughtered accordingly.

Animals deserted may be killed.

XXXIII. If any Dog or other domestic Animal be found houseless or deserted, and in an emaciated or starving State, or if any Dog be at large in a rabid State, it shall be lawful for any Constable to cause such Animal to be destroyed with as little Infliction of Pain as may be, and the Owner thereof shall have no Claim for Compensation for the Value of the Animal so destroyed.

Acts of Cruelty liable to Penalties. 12 & 13 Vict. c. 92. s. 2.

XXXIV. The doing of any of the Acts next hereafter described, or the permitting or assisting in the doing of the same, shall be deemed to be Ill-treatment of the Animals affected by such Acts, and Offences under the Provisions of the said firstly-recited Act, and shall be punished accordingly; that is to say,

The placing in any public Place for Hire any Horse, Ass, or other Animal unfit for public Use:

The using in any Work any Animal when the same is from any Cause unfit for such Use:

The overloading of any Vehicle, so as to cause Distress or Suffering to any Animal drawing the same, or the driving or using the Vehicle so overloaded:

The packing in any Basket or Box or in any other Manner, or keeping so packed, any Fowl or other Animal, so as by Deficiency of Space or Air or other Provision to cause Distress or Suffering thereto:

The Desertion or Abandonment of any Animal, with Intent to lose the same:

The using of any Animal with cloven or divided Feet (other than Oxen used in Husbandry), or of any soft footed Animal,

or of any Fowl, for the drawing of any Carriage, Boat, or other Vehicle, or for carrying of any Burden, living or dead:

The Process known as pegging of any Lobster, Crab, or crustaceous Animal, or the Sale or Exposure to Sale of any Lobster, Crab, or crustaceous Animal that has been so pegged:

The necessary Restraint or Disablement of any Animal by any Means by which more Pain is inflicted on it than is requisite for the Purpose:

The baiting or worrying for Sport of any Animal:

The wanton Destruction of, or the wantonly maiming, disabling, or causing Pain or Suffering to any Animal.

Penalties for repeated Offences.

XXXV. In case any Person be convicted a Second Time or any greater Number of Times under any of the Provisions of this or the said firstly or secondly-recited Acts, whether for the same or for any different Offence or Offences, it shall be lawful for the Justices before whom such Second or subsequent Conviction takes place to order the Payment by the Offender of a Penalty not exceeding *twice* the Amount of the Penalty imposed by the Act for the Offence of which he is so last convicted; and in case any Person be so convicted subsequently to any such Second Conviction, the Justices before whom the Offender is so subsequently convicted shall, in addition to any pecuniary Penalty the Payment of which they may see fit to order, commit such Offender to the House of Correction for *Six* Months, with or without Hard Labour, as they may see fit.

Private Whipping may be substituted for or added to other Penalty on Boys under 14.

XXXVI. In every Case where any Boy under Fourteen Years of Age is convicted of ill-treating any Animal under this or either of the said recited Acts, it shall be lawful for the Justices before whom he is convicted, at their Discretion, in lieu of or in addition to any Penalty, whether by Fine or Imprisonment, or both, to which such Boy is or might be condemned, to order that such Boy be once or twice, as such Justices see fit to order, privately whipped, and to detain or commit such Boy to the House of Correction for the Purpose of being so privately whipped.

IV. *As to Procedure under these Acts:*

Complaints to be heard within Three Months after Offence committed. 12 & 13 Vict. c. 92. s. 14.

XXXVII. Notwithstanding anything contained in the said firstly-recited Act of the Twelfth and Thirteenth Years of Her Majesty, if any Complaint under the Provisions of this Act, or of the said firstly and secondly recited Acts, or of the said Act of the Seventh and Eighth Years of Her Majesty, be made within *Three* Months after the Cause of Complaint, such Complaint shall be heard and determined in the Manner provided by the said first and secondly recited Acts.

XXXVIII. When-

Apportionment of Penalties.

XXXVIII. Whenever by this or by the said firstly or secondly recited Acts, or by the Act of the Seventh and Eighth Victoria, Chapter Eighty-seven, any Penalty is imposed for any Offence, it shall not be lawful for any Justices, when the extreme Forfeiture imposed by such Act amounts to as much as *Five Pounds* to adjudge a less Forfeiture than *Forty Shillings*, or when the extreme Penalty imposed amounts to as much as *Forty Shillings* to adjudge a less Forfeiture than *Twenty Shillings*, or where the extreme Forfeiture does not amount to as much as *Forty Shillings* to adjudge a less Forfeiture than *Ten Shillings*, any existing Act or Acts to the contrary notwithstanding; and in all Cases where it is lawful for any Justices or Police Magistrate under the said firstly-recited Act, instead of imposing a pecuniary Penalty, to commit any Offender to the House of Correction, there to be imprisoned, with or without Hard Labour, it shall be lawful for such Justices or Police Magistrate so to commit such Offender for any Time not exceeding *Six* Months.

A Moiety of the Penalty in all Cases to the Complainant.

XXXIX. When a pecuniary Penalty is recovered for any Offence under this and the said firstly and secondly recited Acts, *One Moiety* of such Penalty shall be paid in every Case to the Person who complains or prosecutes for the same; and such *Moiety* shall not be ordered to be paid to any other Person, unless such Complainant expressly refuses to receive the same, any Local or General Act or Acts of Parliament to the contrary notwithstanding.

Appeal by Complainant.

XL. In all Cases when any Complaint of any Offence under this or the said firstly or secondly recited Act is dismissed by Justices of the Peace, or where the Complainant is dissatisfied with the Judgment of any Justices of the Peace, if within *Twenty-one* Days thereof the Complainant give to the Person complained against Notice in Writing of his Intention to appeal to the next General or Quarter Session, and if within *Seven* clear Days at least before such Sessions the Complainant enter into a Recognizance, with Two sufficient Securities, before a Justice of the Peace, conditioned to try such Appeal and abide the Judgment of the Court thereon, and to pay such Costs as may be awarded by the Court, such Complainant may appeal to any Court of General or Quarter Sessions holden not less than Fourteen Days after such Dismissal or Judgment; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and make such Order therein as to the Court may seem meet, or adjourn the Hearing of such Appeal to any succeeding Session; and such Court at such First or succeeding Sessions may confirm the Dismissal of the Complaint, or adjudge or modify or confirm the Penalty, according to the Provisions of the said Acts, or

otherwise determine the Matter of the Appeal, and may adjudge either Party to pay such Costs as may be awarded, and the Costs of such Appeal or incident to or occasioned thereby, and shall, if necessary, issue Process for enforcing such Judgment.

In all Convictions the Complainant to have an Order for his necessary and reasonable Costs.

XLI. In every Case in which a Person is convicted of any Offence under this or the said firstly and secondly recited Acts, or the said Act of the Seventh and Eighth Victoria, Chapter Eighty-seven, the Justices before whom the Conviction takes place shall make an Order for the Payment by the Offender of all Costs necessarily or reasonably incurred by the Complainant in and about the obtaining of such Conviction.

Form in the Schedules may be used.

XLII. The Forms in the Schedule to this Act may be used and shall be deemed to be sufficient for the Purpose for which they are respectively designated.

Construction of this Act with the 12 & 13 Vict. c. 92. and the 17 & 18 Vict. c. 60.

Definition of the Word "Animal."

XLIII. Except so far as any of the Acts amend the Provisions of any of the other of the Acts, this Act, and the said said firstly and secondly recited Acts, shall be construed together as One Act; and the Word "Animal" in these Acts shall include any Animal, whether domesticated or not, whether of the Kinds particularly enumerated in Clause Twenty-nine of the said Act of the Twelfth and Thirteenth of Her Majesty, or not, and whether a Quadruped or not.

Cruelty to Animals Act Amendment.

A

BILL

To amend the Acts for the more effectual Prevention of Cruelty to Animals.

(*Prepared and brought in by Viscount Raynham, Sir James East, and General Buckley.*)

Ordered, by The House of Commons, *to be Printed,* 23 *June* 1857.

[Bill 79.]

Under 2 *oz.*

A

B I L L

FOR

The Alteration and Amendment of the Laws and Duties of Customs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Duties of Customs chargeable on the Goods, Wares, and Merchandise next herein-after mentioned, imported into Great Britain and Ireland, shall cease and determine; that is to say, Free Goods.

Oxymuriate of Tin.

II. And in lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, imported into Great Britain and Ireland, the following Duties of Customs shall be charged; that is to say, on New Duties.

	£	s.	d.
Hats of Felt - - - - - - - - each	0	0	6
Lucifers, Vesta, of Wax - - the 1,000 Matches	0	0	0½
Plums, commonly called French Plums, and Prunellas - - - - - - the Cwt.	0	7	0
Plums, dried or preserved (except in Sugar), not otherwise described - - - - the Cwt.	0	7	0

III. That in lieu of the Duties on Customs now chargeable on Rice imported into Great Britain and Ireland the following Duties of Customs be levied and collected; that is to say,

	£	s.	d.	
Rice and Rice Dust for feeding Cattle - the Cwt.	0	0	4½	5
—— rough and in the Husk - - the Quarter	0	0	9	
Meal not otherwise enumerated or described, the Cwt.	0	0	4½	

IV. And in lieu of the Duties of Customs now chargeable in Great Britain and Ireland on Ships, with their Tackle, Apparel, and Furniture (except Sails), broken up or to be broken up, the following Duties shall be charged; that is to say, 10

	£	s.	d.	
British-built Ships, with their Tackle, Apparel, and Furniture—				
Wrecked, broken up or to be broken up - -	Free.			
Foreign-built Ships, with their Tackle, Apparel, and Furniture—				15
Broken up or to be broken up, or abandoned by the Owners, or sold as Wreck, whether afterwards recovered or repaired, or not, for every 100*l.* Value	5	0	0	20

Repeal of Section 10, 16 & 17 Vict. c. 107.

V. So much of the Tenth Section of "The Customs Consolidation Act, 1853," as authorizes the Commissioners of Customs "to provide "Warehouses for the warehousing of Tobacco at the Ports into "which Tobacco may be legally imported, and for every Package of "Tobacco so warehoused charge the Importer or Proprietor of such "Tobacco any such Sum or Sums for Warehouse Rent as they may "see fit, not exceeding what is now payable," shall be and the same is hereby repealed. 25

Proviso for Continuance of existing Warehouses for Tobacco already warehoused.

VI. Provided always, That any Tobacco Warehouses which at the passing of this Act shall have been provided by the said Commissioners shall and may be continued so long as the said Commissioners may deem necessary for the warehousing of Tobacco therein, on the Terms and Conditions applicable thereto at the Time of the passing of this Act, or on such other Terms and Conditions as the said Commissioners may see fit, or until other Warehouses are provided or approved in lieu thereof for that Purpose, and on such other Warehouses being provided or approved as aforesaid the said Commissioners shall and may cause such Tobacco to be removed to the same accordingly. 30 35

Tobacco already warehoused

VII. All Tobacco already warehoused in any such Warehouses, upon the Terms and Conditions in force at the Date of the passing of this 40

this Act, shall or may remain or be so warehoused in the same or such other Warehouses as the said Commissioners shall provide or approve as aforesaid in lieu thereof at the same Port until the Expiration of *Five* Years from the Date of the last preceding warehousing or re-warehousing of the same, as the Case may be, unless sooner cleared from such Warehouse, either for Home Use, Removal to any other Port, or Exportation. to remain on the Terms existing at the passing of this Act.

VIII. Any Warehouse in Great Britain already provided by the said Commissioners for the warehousing of Tobacco shall and may be at any Time after the passing of this Act approved for the warehousing of such Goods as the said Commissioners may see fit, and in the meantime such Warehouses, or such Part thereof as the said Commissioners may see fit, shall remain approved for the warehousing of Tobacco only. Power to approve of Tobacco Warehouses for general Purposes.

IX. If any Warehouse is at the Time of the passing of this Act vested in the said Commissioners of Customs or their Secretary, or any other Person in trust for them, under any Lease, Agreement, or other Instrument, the said Commissioners may, with the Sanction of the Commissioners of the Treasury, hold the same during the Continuance of such Lease, Agreement, or other Instrument, as approved Warehouses for the Reception and Deposit therein of Tobacco or other Goods duly entered to be warehoused, or for such other Purposes as the said last-mentioned Commissioners shall direct; and all Sums received by the said Commissioners of Customs, either as Rent for the said Premises or as Charges in respect of Goods deposited therein or otherwise, shall be brought to account as Monies not Duties. Power to keep Tobacco Warehouses for any Purposes.

X. And the said Commissioners of Customs shall and may enter into such Agreements with the Owners of any such Warehouses or other Persons willing to take the same for the Surrender or Disposal thereof, upon such Terms and Conditions as they may see fit, subject to the Sanction and Approval of the said Commissioners of the Treasury. Power to surrender Tobacco Warehouses.

XI. So long as any Tobacco warehoused at the Date of the passing of this Act shall not have been cleared as herein-before provided, the said Commissioners shall and may, if they see fit, enter into Arrangements with the Warehouse Keeper or Occupier of any Warehouse so surrendered or disposed, or with the Warehouse Keeper or Occupier of any other Warehouse, for the Deposit of such Tobacco until cleared as aforesaid, and shall and may pay such Rent or Charges for the warehousing thereof as may be agreed upon by the said Power to arrange with Warehouse Keeper of Tobacco Warehouses surrendered, or other Warehouse Keeper, for Deposit of

warehoused Tobacco until cleared.

said Commissioners with such Warehouse Keeper or Occupier in respect of the Tobacco so deposited, the said Commissioners charging only to the Importer or Proprietor of such Tobacco such Sum or Sums of Money for Warehouse Rent as they may see fit, not exceeding what is payable at the Time of the passing of this Act, or the said Commissioners permitting such Warehouse Keeper or Occupier to receive such last-mentioned Sum or Sums shall and may pay to such Warehouse Keeper or Occupier the Difference between such Sum or Sums and the Rent or Charges so agreed upon as aforesaid.

Provision for warehousing future Importations of Tobacco.

XII. After the passing of this Act all Tobacco imported into any Port in the United Kingdom where Tobacco may be legally imported and warehoused, and which may be duly entered to be warehoused there, shall and may be deposited in any Warehouse for the Time being approved by the said Commissioners for the warehousing of Tobacco, on such Conditions and in such Manner as the said Commissioners shall direct, and under and subject in all other respects to the Laws, Rules, and Regulations which are or may hereafter be in force relating to the Importation, Entry, warehousing, Removal, or Exportation of Goods liable to Duties of Customs on Importation.

Abandoned Tobacco to be destroyed.

XIII. All Tobacco abandoned by the Importer or Proprietor as not worth the Duty shall be destroyed, within such Time and in such Manner as the said Commissioners of Customs shall direct, at the Cost and Charges of such Importer or Proprietor.

Defendants in Customs Cases not to give Evidence.

XIV. The several Acts which declare and make competent and compellable a Defendant to give Evidence in any Suit or Proceeding to which he may be a Party shall not be deemed to extend or apply to Defendants in any Suit or Proceeding instituted under any Act relating to the Customs.

Customs Acts to extend and apply to British Possessions abroad, except where otherwise expressly provided for in said Acts, or by any Colonial Act.

XV. Whereas Doubts have arisen whether the several Sections of "The Customs Consolidation Act, 1853," other than those containing particular Provisions relating thereto, as also "The Supplemental Customs Consolidation Act, 1855," are applicable to the British Possessions abroad: Be it enacted, That the said recited Acts and the several Clauses therein and in this Act contained shall and the same are hereby declared to extend to and be of full Force and Effect in the several British Possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express Reference to the United Kingdom or the Channel Islands, and except also as to any such Possession as shall by Local Act or Ordinance have provided, or may hereafter, with the Sanction and Approbation of

of Her Majesty and Her Successors, make entire Provision for the Management and Regulation of the Customs Trade and Navigation of any such Possession, or make in like Manner express Provisions in lieu or variation of any of the Clauses of the said Act for the Purposes of such Possession.

XVI. Section Nineteen of "The Supplemental Customs Consolidation Act, 1855," is hereby repealed. Section 19. of 18 & 19 Vict. c. 96. repealed.

XVII. No Spirits (except Rum of the British Plantations) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one of the said Islands, or shall be shipped in order to be so removed or carried in any Ship other than of the Burden of Fifty Tons or upwards, or in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and all Spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried, contrary hereto, shall be forfeited, together with the Ship, and any Boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any Spirits imported in any such Ship in Glass Bottles as Part of the Cargo, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers of such Ship during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to any warehoused Goods exported from the United Kingdom in Ships of not less than Forty Tons Burden, being regular Traders to those Islands, nor to any Boat of less Burden than Ten Tons for having on Board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer of Customs at either of the Islands of Guernsey or Jersey for the Purpose of being employed in carrying Commodities for the Supply of the Island of Sark, which Licence such Officer is hereby required to grant without Fee or Reward; but if any such Boat shall have on board at any one Time any greater Quantity of Spirits than Ten Gallons, unless in Casks or Packages of the Size and Content of Twenty Gallons at the least, such Spirits and Boat shall be forfeited.

As to importing and exporting Spirits from and to the Channel Islands in Ships of 50 Tons and upwards, and Casks of 20 Gallons.

Not to extend to Spirits in Glass Bottles, or to Stores, nor to certain warehoused Goods exported;

nor to licensed Boats of 10 Tons supplying Island of Sark.

XVIII. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section; and the Term "British-built Ships" shall

Interpretation of Terms.

shall be deemed to mean and include any Ship built in Her Majesty's Dominions.

Act to be registered in Royal Courts of Guernsey and Jersey.

XIX. This Act shall be registered in the Royal Courts of the Islands of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Commencement of Act.

XX. This Act shall come into operation on the Day of the *passing of this Act*, except where otherwise herein mentioned; and in citing it in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Customs Amendment Act, 1857."

A

B I L L

For the Alteration and Amendment of the Laws and Duties of Customs.

(Prepared and brought in by Mr. FitzRoy, Mr. Wilson, and the Chancellor of the Exchequer.)

Ordered, by The House of Commons, *to be Printed,* 13 *August* 1857.

[Bill 192.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Alteration and Amendment of the Laws and Duties of Customs.

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. The Duties of Customs chargeable on the Goods, Wares, and Merchandise next herein-after mentioned, imported into Great Britain and Ireland, shall cease and determine; that is to say, Free Goods.

Oxymuriate of Tin.

II. And in lieu of the Duties of Customs now chargeable on the Articles next herein-after mentioned, imported into Great Britain and Ireland, the following Duties of Customs shall be charged; that is to say, on New Duties.

	£	*s.*	*d.*
Hats of Felt - - - - - - - - each	0	0	6
Lucifers, Vesta, of Wax - - the 1,000 Matches	0	0	$0\frac{1}{2}$
Plums, commonly called French Plums, and Prunelloes - - - - - - - the Cwt.	0	7	0
Plums, dried or preserved (except in Sugar), not otherwise described - - - - the Cwt.	0	7	0

New Duties on Rice.

III. That in lieu of the Duties of Customs now chargeable on Rice imported into Great Britain and Ireland the following Duties of Customs be levied and collected; that is to say,

	£	*s.*	*d.*
Rice not rough nor in the Husk, and Rice Dust for feeding Cattle - - - the Cwt.	0	0	4½
—— rough and in the Husk - - the Quarter	0	0	9
Meal not otherwise enumerated or described, the Cwt.	0	0	4½

New Duties on Ships broken up.

IV. And in lieu of the Duties of Customs now chargeable in Great Britain and Ireland on Ships, with their Tackle, Apparel, and Furniture (except Sails), broken up or to be broken up, the following Duties shall be charged; that is to say,

	£	*s.*	*d.*
British-built Ships, with their Tackle, Apparel, and Furniture—			
Wrecked, broken up or to be broken up - - -	Free.		
Foreign-built Ships, with their Tackle, Apparel, and Furniture—			
Broken up or sold to be broken up, or abandoned by the Owners, or sold as Wreck, whether afterwards recovered or repaired, or not, for every 100*l.* Value	5	0	0

Repeal of Section 10. 16 & 17 Vict. c. 107.

V. So much of the Tenth Section of "The Customs Consolidation Act, 1853," as authorizes the Commissioners of Customs "to provide "Warehouses for the warehousing of Tobacco at the Ports into "which Tobacco may be legally imported, and to charge the Im- "porter or Proprietor of such Tobacco for every Package of "Tobacco so warehoused any such Sum or Sums for Warehouse "Rent as they may see fit, not exceeding what is now payable," shall be and the same is hereby repealed.

Proviso for Continuance of existing Warehouses for Tobacco already warehoused.

VI. Provided always, That any Tobacco Warehouses which at the passing of this Act shall have been provided by the said Commissioners shall and may be continued so long as the said Commissioners may deem necessary for the warehousing of Tobacco therein, on the Terms and Conditions applicable thereto at the Time of the passing of this Act, or on such other Terms and Conditions as the said Commissioners may see fit, or until other Warehouses are provided or approved in lieu thereof for that Purpose; and on such other Warehouses being provided or approved as aforesaid, the said Commissioners shall and may cause such Tobacco to be removed to the same accordingly.

Tobacco already warehoused

VII. All Tobacco already warehoused in any such Warehouses, upon the Terms and Conditions in force at the Date of the passing of this

this Act, shall and may remain or be so warehoused in the same or such other Warehouses as the said Commissioners shall provide or approve as aforesaid in lieu thereof at the same Port until the Expiration of Five Years from the Date of the last preceding warehousing or re-warehousing of the same, as the Case may be, unless sooner cleared from such Warehouse, either for Home Use, Removal to any other Port, or Exportation.

to remain on the Terms existing at the passing of this Act.

VIII. Any Warehouse in Great Britain already provided by the said Commissioners for the warehousing of Tobacco shall and may be at any Time after the passing of this Act approved for the warehousing of such Goods as the said Commissioners may see fit, and in the meantime such Warehouses, or such Part thereof as the said Commissioners may see fit, shall remain approved for the warehousing of Tobacco only.

Power to approve of Tobacco Warehouses for general Purposes.

IX. If any Warehouse is at the Time of the passing of this Act vested in the said Commissioners of Customs or their Secretary, or any other Person in trust for them, under any Lease, Agreement, or other Instrument, the said Commissioners may, with the Sanction of the Lords Commissioners of the Treasury, hold the same during the Continuance of such Lease, Agreement, or other Instrument, as approved Warehouses for the Reception and Deposit therein of Tobacco or other Goods duly entered to be warehoused, or for such other Purposes as the said last-mentioned Commissioners shall direct; and all Sums received by the said Commissioners of Customs, either as Rent for the said Premises or as Charges in respect of Goods deposited therein or otherwise, shall be brought to account as Monies not Duties.

Power to keep Tobacco Warehouses for any Purposes.

X. And the said Commissioners of Customs shall and may enter into such Agreements with the Owners of any such Warehouses or other Persons willing to take the same for the Surrender or Disposal thereof, upon such Terms and Conditions as they may see fit, subject to the Sanction and Approval of the said Commissioners of the Treasury.

Power to surrender Tobacco Warehouses.

XI. So long as any Tobacco warehoused at the Date of the passing of this Act shall not have been cleared as herein-before provided, the said Commissioners shall and may, if they see fit, enter into Arrangements with the Warehouse Keeper or Occupier of any Warehouse so surrendered or disposed of, or with the Warehouse Keeper or Occupier of any other Warehouse, for the Deposit of such Tobacco until cleared as aforesaid, and shall and may pay such Rent or Charges for the warehousing thereof as may be agreed upon by the said

Power to arrange with Warehouse Keeper of Tobacco Warehouses surrendered, or other Warehouse Keeper, for Deposit of

warehoused Tobacco until cleared.

said Commissioners with such Warehouse Keeper or Occupier in respect of the Tobacco so deposited, the said Commissioners charging only to the Importer or Proprietor of such Tobacco such Sum or Sums of Money for Warehouse Rent as they may see fit, not exceeding what is payable at the Time of the passing of this Act, or the said Commissioners permitting such Warehouse Keeper or Occupier to receive such last-mentioned Sum or Sums shall and may pay to such Warehouse Keeper or Occupier the Difference between such Sum or Sums and the Rent or Charges so agreed upon as aforesaid.

Provision for warehousing future Importations of Tobacco.

XII. After the passing of this Act all Tobacco imported into any Port in the United Kingdom where Tobacco may be legally imported and warehoused, and which may be duly entered to be warehoused there, shall and may be deposited in any Warehouse for the Time being approved by the said Commissioners for the warehousing of Tobacco, on such Conditions and in such Manner as the said Commissioners shall direct, and under and subject in all other respects to the Laws, Rules, and Regulations which are or may hereafter be in force relating to the Importation, Entry, warehousing, Removal, or Exportation of Goods liable to Duties of Customs on Importation.

Abandoned Tobacco to be destroyed.

XIII. All Tobacco abandoned by the Importer or Proprietor as not worth the Duty shall be destroyed, within such Time and in such Manner as the said Commissioners of Customs shall direct, at the Cost and Charges of such Importer or Proprietor.

Defendants in Customs Cases not to give Evidence.

XIV. The several Acts which declare and make competent and compellable a Defendant to give Evidence in any Suit or Proceeding to which he may be a Party shall not be deemed to extend or apply to Defendants in any Suit or Proceeding instituted under any Act relating to the Customs.

Customs Acts to extend and apply to British Possessions abroad, except where otherwise expressly provided for in said Acts, or by any Colonial Act.

XV. Whereas Doubts have arisen whether the several Sections of "The Customs Consolidation Act, 1853," other than those containing particular Provisions relating thereto, as also "The Supplemental Customs Consolidation Act, 1855," are applicable to the British Possessions abroad: Be it enacted, That the said recited Acts and the several Clauses therein and in this Act contained shall and the same are hereby declared to extend to and be of full Force and Effect in the several British Possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express Reference to the United Kingdom or the Channel Islands, and except also as to any such Possession as shall by Local Act or Ordinance have provided, or may hereafter, with the Sanction and Approbation of

of Her Majesty and Her Successors, make entire Provision for the Management and Regulation of the Customs Trade and Navigation of any such Possession, or make in like Manner express Provisions in lieu or variation of any of the Clauses of the said Act for the Purposes of such Possession.

CLAUSE A. Account of Bullion to be delivered to the Officers of Customs.

XVI. The Owner or Consignee of any Bullion imported into Great Britain or Ireland shall, within Ten Days after the Landing thereof, deliver to the Collector or other proper Officer of Customs a full and true Account of such Bullion, and if such Account shall not be so delivered every such Importer, Consignee, or Owner shall forfeit the Sum of Twenty Pounds.

CLAUSE B. Restoration of Four Sections of "Duties Act, 1845," as to Treaties of Reciprocity, omitted to be excepted on Repeal of that Act.

XVII. So much of the "Customs Consolidation Act, 1853," as repeals Sections Nine, Ten, Eleven, and Twelve of an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter Ninety, shall be and the same is hereby repealed, and the said Sections shall be deemed and considered not to have been repealed by the said Customs Consolidation Act.

Section 19. of 18 & 19 Vict. c. 96. repealed.

XVIII. Section Nineteen of "The Supplemental Customs Consolidation Act, 1855," is hereby repealed.

As to importing and exporting Spirits from and to the Channel Islands in Ships of 50 Tons and upwards, and Casks of 20 Gallons.

XIX. No Spirits (except Rum of the British Plantations) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said Islands, or be carried Coastwise from any one Part to any other Part of any one of the said Islands, or shall be shipped in order to be so removed or carried in any Ship other than of the Burden of Fifty Tons or upwards, or in any Cask or other Vessel capable of containing Liquids not being of the Size or Content of Twenty Gallons at the least; and all Spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried, contrary hereto, shall be forfeited, together with the Ship, and any Boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any Spirits imported in any such Ship in Glass Bottles as Part of the Cargo, nor to any Spirits being really intended for the Consumption of the Seamen and Passengers of such Ship during their Voyage, and not being more in Quantity than is necessary for that Purpose, nor to any warehoused Goods exported from the United Kingdom in Ships of not less than Forty Tons Burden, being regular Traders to those Islands, nor to any Boat of less Burden than Ten Tons for having on Board at any one Time any Foreign Spirits of the Quantity of Ten Gallons or under, such Boat having a Licence from the proper Officer

Not to extend to Spirits in Glass Bottles, or to Stores, nor to certain warehoused Goods exported;

nor to licensed Boats of 10 Tons supplying Island of Sark.

Officer of Customs at either of the Islands of Guernsey or Jersey for the Purpose of being employed in carrying Commodities for the Supply of the Island of Sark, which Licence such Officer is hereby required to grant without Fee or Reward; but if any such Boat shall have on board at any one Time any greater Quantity of Spirits than Ten Gallons, unless in Casks or Packages of the Size and Content of Twenty Gallons at the least, such Spirits and Boat shall be forfeited.

Interpretation of Terms.

XX. When any of the Terms mentioned in the Three hundred and fifty-seventh Section of "The Customs Consolidation Act, 1853," are used in this or any other Act relating to the Customs, the Terms so used shall have the same Interpretation and Meaning as are given to them in the said Section; and the Term "British-built Ships" shall be deemed to mean and include any Ship built in Her Majesty's Dominions.

Act to be registered in Royal Courts of Guernsey and Jersey.

XXI. This Act shall be registered in the Royal Courts of the Islands of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

Commencement of Act.

XXII. This Act shall come into operation on the Day of the passing of this Act, except where otherwise herein mentioned; and in citing it in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Customs Amendment Act, 1857."

Customs.

A

BILL

[AS AMENDED IN COMMITTEE]

For the Alteration and Amendment of the Laws and Duties of Customs.

(*Prepared and brought in by Mr. FitzRoy, Mr. Wilson, and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 15 *August* 1857.

[Bill 193.]

Under 1 *oz.*

A

B I L L

FOR

Granting certain Duties of Customs and Excise.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal Subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the Supply granted to Your Majesty, have freely and voluntarily resolved to give and grant unto Your Majesty the several Duties of Customs and Excise herein respectively mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. In lieu of the Duties of Customs now chargeable on the several Articles mentioned in the Schedule marked (A.) hereunto annexed imported into Great Britain and Ireland, and in lieu of the Duties of Excise now chargeable on Sugar made in the United Kingdom and described in the Schedule marked (B.) hereunto annexed, there shall be charged, collected, and paid, for the Use of Her Majesty, Her Heirs and Successors, until the *Thirty-first Day of March One thousand eight hundred and sixty* inclusive, upon the several Articles, Goods, Grant of Duties of Customs and Excise in Schedules (A.) and (B.) annexed.

Goods, and Commodities mentioned and described in the said several Schedules respectively, the several Rates and Duties of Customs and Excise respectively specified in the same Schedules.

Drawback on Sugar allowed.

II. There shall be allowed on the Exportation to Foreign Parts, or on the Removal to the Isle of Man for Consumption there, of the several Descriptions of Refined Sugar mentioned in the Schedule marked (C.) hereunto annexed, until the *Thirty-first Day of March One thousand eight hundred and sixty* inclusive, the Drawbacks specified in the said last-mentioned Schedule.

Duties to be under the Management of Commissioners of Customs and Inland Revenue respectively.

III. The Duties of Customs imposed by this Act, and contained in the said Schedule (A.), shall be under the Management of the Commissioners of Her Majesty's Customs, and the Duties of Excise imposed by this Act, and contained in the said Schedule (B.), shall be under the Management of the Commissioners of Inland Revenue; and the said Duties of Customs and Excise respectively shall be ascertained, raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be made relating to the Duties of Customs and Excise respectively.

Commencement of Act, and Short Title.

IV. This Act shall come into operation on the *Day of the passing thereof,* and in citing it in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Customs and Excise Duties Act, 1857."

SCHE-

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Containing the Duties of Customs imposed by this Act; (that is to say,)

		£	s.	d.
Sugar; viz.				
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto	the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined or equal in Quality to refined	the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed and not equal to White Clayed	the Cwt.	0	13	10
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar	the Cwt.	0	12	8
Molasses	the Cwt.	0	5	0
Cherries, dried; Comfits, dry; Confectionery; Ginger, preserved; Marmalade; Plums preserved in Sugar; Succades, including all Fruits and Vegetables preserved in Sugar not otherwise enumerated	the Pound	0	0	2
Tea	the Pound	0	1	5

SCHEDULE (B.)

Containing the Duties of Excise imposed by this Act on Sugar made in the United Kingdom; (that is to say,)

Sugar; viz.	£	s.	d.
Candy, Brown or White Refined Sugar, or Sugar rendered by any Process equal in Quality thereto, the Cwt.	0	18	4
White Clayed Sugar, or Sugar rendered by any Process equal in Quality to White Clayed, not being refined or equal in Quality to refined - the Cwt.	0	16	0
Yellow Muscovado and Brown Clayed Sugar, or Sugar rendered by any Process equal in Quality to Yellow Muscovado or Brown Clayed, and not equal to White Clayed - - - the Cwt.	0	13	10
Brown Muscovado, or any other Sugar not being equal in Quality to Yellow Muscovado or Brown Clayed Sugar - - - - the Cwt.	0	12	8
Molasses - - - - - the Cwt.	0	5	0

SCHEDULE (C.)

Containing the Drawbacks allowed by this Act; (that is to say,)

Upon Refined Sugar in Loaf complete or whole, or Lumps duly refined, having been perfectly clarified and thoroughly dried in the Stove, and being of an uniform Whiteness throughout, or Sugar Candy, or Sugar refined by the Centrifugal Machine or by any other Process, and not in any way inferior to the Export Standard No. 3. approved of by the Lords of the Treasury - - - for every Cwt.	£	s.	d.
	0	17	2
Upon such Refined Sugar already described, if pounded, crushed, or broken in a Warehouse approved by the Commissioners of Customs, such Sugar having been there first inspected by the Officers of Customs in Lumps or Loaves, as if for immediate Shipment, and then packed for Exportation in the Presence of such Officers, and at the Expense of the Exporters, for every Cwt.	0	17	2

	£	*s.*	*d.*
Upon Refined Sugar, unstoved, pounded, crushed, or broken, and not in any way inferior to the Export Standard Sample, No. 1. approved by the Lords of the Treasury, and which shall not contain more than Five per Centum Moisture over and above what the same would contain if thoroughly drived in the Stove, for every Cwt.	*0*	*16*	*4*
Upon Bastard or Refined Sugar, unstoved, broken in Pieces, or being ground, powdered, or crushed, not in any way inferior to the Export Standard Sample No. 2. approved by the Lords of the Treasury - for every Cwt.	*0*	*15*	*1*
Upon Bastard or Refined Sugar being inferior in Quality to the said Export Standard Sample No. 2., for every Cwt.	*0*	*12*	*8*

Customs and Excise.

A

BILL

For granting certain Duties of Customs and Excise.

(*Prepared and brought in by Mr. FitzRoy, Mr. Wilson, and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed,* 13 *August* 1857.

[Bill 189.]

Under 1 *oz.*

Deer, Game, and Rabbits Bill.

REPORT.

This Bill consolidates the Night Poaching Acts of the 9 Geo. 4. c. 69. and the 7 & 8 Vict. c. 39.; the Game Act of the 1 & 2 Will. 4. c. 32., and some Sections of the 5 & 6 Will. 4. c. 20., and 6 & 7 Will. 4. c. 65. amending it, and the Hare Act 11 & 12 Vict. c. 29. The Clauses of the 7 & 8 Geo. 4. c. 29. (Peel's Act) relating to Deer, Hares, and Rabbits, are also included in this Bill.

The 1 & 2 Will. 4. c. 32., 7 & 8 Geo. 4. c. 29., and 11 & 12 Vict. c. 29. are limited to England, but the 9 Geo. 4. c. 69. is not so limited, and there are Provisions in it specially applicable to Scotland.

This Bill is limited to England.

The only Alterations made in this Bill are as follows:—

In Clause (C.), Page 5, the Words "or for any other Offence against "any of the Provisions of this Act" have been inserted to apply to the Clauses in the 9 Geo. 4. c. 69., &c.

The Application of Penalties under the 7 & 8 Geo. 4. c. 29. and 1 & 2 Will. 4. c. 32. was to the County Rate; but the 5 & 6 Will. 4. c. 20. s. 21. having given One Half of the Penalties under the 1 & 2 Will. 4. c. 32. to the Informer, that Provision has alone been inserted, as it may be taken as a legislative Declaration that such ought to be the Distribution in this Class of Offences.

The Clause in the 1 & 2 Will. 4. c. 32. s. 38. as to the Commitment for Nonpayment of Penalties has been followed in preference to that in the 7 & 8 Geo. 4. c. 29., and in like Manner the Clause as to Limitation of Actions has been taken from the 1 & 2 Will. 4. c. 32., it being plain that these Sections were framed from the corresponding Sections in the 7 & 8 Geo. 4. c. 29., and consequently that the Alterations were advisedly made.

Clause 13. has been altered so as to apply not only to the Grantor of a Lease, but also to any Person who for the Time being is entitled to the Game on the Land.

[A Limitation has been put upon Clause (E.), Page 10, like that contained in Clause (C.), Page 5, in order to prevent its being supposed that the Clause gives every one a Right to course, &c. anywhere against the Will of the Owner or Occupier of the Land.]

Deer, Game, and Rabbits Bill.

CONTENTS.

1. *Stealing Deer in certain uninclosed Ground.*
2. *Stealing Deer in any inclosed Ground.*
3. *Suspected Persons found in possession of Venison, &c. and not satisfactorily accounting for it. In case they cannot be convicted, how the Justice may proceed.*
4. *Setting Engines for taking Deer, or pulling down Park Fences.*
5. *Deer Keepers, &c. may seize the Guns, &c. of Offenders who, on Demand, do not deliver up the same. Resistance to Keepers, &c. in the Execution of their Duty.*
6. *Killing, &c. Hares or Rabbits in a Warren in the Night-time. The like in the Day-time.*
7. *A Person committing any Offence before mentioned may be apprehended without a Warrant. Search Warrant.*
8. *Days and Seasons during which Game shall not be killed.*

(A.) *Possession of Game illegal after Ten Days in Dealers, and Forty Days in other Persons, from the Expiration of the Season.* [*Proposed to be inserted in Committee.*]

(B.) *This Act not to affect the existing Laws respecting Game Certificates.* [*Proposed to be inserted in Committee.*]

(C.) *Every certificated Person may kill Game, subject to the Law of Trespass, &c. Proviso as to Gamekeepers.* [*Proposed to be inserted in Committee.*]

9. *Under existing Leases the Landlord shall have the Game, except in certain Cases.*
10. *This Act not to affect any existing or future Agreements respecting Game, nor any Rights of Manor, Forest, Chase, or Warren.*
11. *This Act not to affect any of Her Majesty's Forest Rights, &c.*
12. *Not to give to the Owner of any Cattlegate or Right of Common any Right to the Game. Lord of Manor to have the Game on the Wastes.*
13. *Landlord having the Game, may authorize others to kill it.*
14. *Where the Landlord, &c. has the Right to the Game, in exclusion of the Occupier, the Occupier shall be liable to a Penalty for killing it.*
15. *Lords of Manors may appoint Gamekeepers. Powers of Gamekeepers in Manors.*
16. *Lords of Manors may grant Deputations.*
17. *Regulations respecting Appointment of Gamekeepers in Wales.*

18. *All Appointments of Keepers to be registered with the Clerk of the Peace.*
19. *Owners and Occupiers of inclosed Ground may in certain Cases kill Hares without a Game Certificate.*
20. *Authority to kill Hares to be limited to One Person at the same Time in any One Parish; which Authority shall be sent to the Clerk of the Petty Sessions, who shall register the same. If Authority revoked, Notice to be given of the same.*
(D.) *Gamekeeper's Certificate unnecessary.* [*Proposed to be inserted in Committee.*]
(E.) *Certificate unnecessary for coursing or hunting.* [*Proposed to be inserted in Committee.*]
21. *Not to authorize the laying of Poison.*
22. *Agreements reserving Game to be still in force.*
(F.) *Certificated Persons may sell Game to licensed Dealers. Proviso as to Gamekeepers.* [*Proposed to be inserted in Committee.*]
(G.) *Justices to hold a Special Session yearly for granting Licences to Persons to deal in Game. Dealers in Game to put up a Board.* [*Proposed to be inserted in Committee.*]
(H.) *Persons licensed to deal in Game must take out a Certificate, with a Duty of 2l. Dealing in Game without such Licence.* [*Proposed to be inserted in Committee.*]
(I.) *Collectors to make out List of Persons who have obtained Licences to deal in Game.* [*Proposed to be inserted in Committee.*]
(K.) *Proviso as to Partners.* [*Proposed to be inserted in Committee.*]
(L.) *Licences when to become void.* [*Proposed to be inserted in Committee.*]
(M.) *Penalty for selling Game without Licence, and on certificated Persons selling to unlicensed Persons.* [*Proposed to be inserted in Committee.*]
(N.) *Exceptions as to Innkeepers.* [*Proposed to be inserted in Committee.*]
(O.) *Penalty on Persons buying Game, except from licensed Dealers.* [*Proposed to be inserted in Committee.*]
(P.) *Indemnity to Persons prosecuting for Offences against Clauses* (M.) *and* (O.) [*Proposed to be inserted in Committee.*]
(Q.) *Penalty on licensed Dealers buying Game from uncertificated Persons, or otherwise offending.* [*Proposed to be inserted in Committee.*]
23. *As to buying and selling Game by the Servants of a licensed Dealer.*
24. *Penalty for killing Game without a Certificate. This Penalty to be cumulative.*
25. *Penalty*

25. *Penalty for destroying or taking the Eggs of Game, &c.*
26. *Penalty for laying Poison to kill Game.*
27. *Penalty on Persons trespassing in the Day-time upon Lands in search of Game. Where the Occupier of the Land, not being entitled to the Game, allows any Person to kill it, the Party entitled to the Game may enforce the Penalty.*
28. *Trespassers in search of Game may be required to quit the Land, and to tell their Names and Abodes, and in case of Refusal may be arrested. Penalty. Party arrested must be discharged unless brought before a Justice within* 12 *Hours.*
29. *Penalty on Persons found armed using Violence, &c.*
30. *Penalty for Trespass in Day-time in Her Majesty's Forests.*
31. *The Provisions as to Trespassers not to apply to Persons hunting, &c.*
32. *Game may be taken from Trespassers not delivering up the same when demanded.*
33. *Persons taking or destroying Game by Night to be committed, for the 1st Offence,* 3 *Months, and kept to Hard Labour, and to find Sureties.* 2*d Offence,* 6 *Months, and kept to Hard Labour, and to find Sureties.* 3*d Offence, a Misdemeanor.*
34. *Owners or Occupiers of Land, Lords of Manors, or their Servants, may apprehend Offenders. Offenders assaulting or offering Violence deemed guilty of Misdemeanor.*
35. *If Persons to the Number of Three, being armed, enter any Land for the Purpose of taking or destroying Game, &c. they shall be deemed guilty of a Misdemeanor.*
36. *Application of Penalties for Offences against this Act.*
37. *Time for Payment of Penalties, and Scale of Imprisonment for Nonpayment.*
38. *What Time shall be considered Day and Night.*
39. *What shall be deemed Game.*
40. *Limitation of Time for Proceedings under this Act.*
41. *Mode of enforcing the Appearance of Offenders.*
42. *Prosecutor not required to prove a Negative.*
43. *Appeal.*
44. *No Certiorari, &c.*
45. *This Act not to preclude Actions for Trespass, but no Double Proceedings for the same Trespass.*
46. *Venue, &c. in Proceedings against Persons acting under this Act. Tender of Amends.*
47. *Fine and Sureties for the Peace, in what Cases.*
48. *Hard Labour, Solitary Confinement, and Whipping.*
49. *Act not to extend to Scotland or Ireland.*
50. *Commencement of Act.*

A

B I L L

INTITULED

An Act to consolidate the Statute Law of England relating to Deer, Game, and Rabbits.

[Note.—*The Clauses, Words, and Schedules printed in Red Ink are proposed to be inserted in Committee.*]

Preamble.

WHEREAS it is expedient to consolidate the Statute Law of England relating to Deer, Game, and Rabbits: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Stealing Deer in certain uninclosed Ground. 7 & 8 G. 4. c. 29. s. 26. in part.

I. Whosoever shall unlawfully and wilfully course, hunt, snare, or carry away, or kill or wound, or attempt to kill or wound, any Deer, kept or being in the uninclosed Part of any Forest, Chase, or Purlieu, shall for every such Offence, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum, not exceeding Fifty Pounds, as to the Justice shall seem meet; and whosoever having been previously convicted of any Offence relating to Deer, for which a pecuniary Penalty shall have been imposed by this Act, or by any former Act, shall afterwards commit any of the Offences hereinbefore enumerated, whether such Second Offence be of the same Description as the First or not, shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Stealing Deer in any inclosed Ground. 7 & 8 G. 4. c. 29. s. 26. in part.

II. Whosoever shall unlawfully and wilfully course, hunt, snare, carry away, or kill or wound, or attempt to kill or wound, any Deer kept or being in the inclosed Part of any Forest, Chase, or Purlieu, or in any inclosed Land where Deer shall be usually kept, shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

Suspected Persons found in possession of Venison, &c., and not satisfactorily accounting for it. 7 & 8 G. 4. c. 29. s. 27.

In case they cannot be convicted, how the Justice may proceed.

III. If any Deer, or the Head, Skin, or other Part thereof, or any Snare or Engine for the taking of Deer, shall be found in the Possession of any Person or on the Premises of any Person with his Knowledge, and such Person, being taken or summoned before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by such Deer, or the Head, Skin, or other Part thereof, or had a lawful Occasion for such Snare or Engine, and did not keep the same for any unlawful Purpose, he shall, on Conviction by the Justice, forfeit and pay any Sum not exceeding Twenty Pounds; and if any such Person shall not under the foregoing Provisions be liable to Conviction, then, for the Discovery of the Party who actually killed or stole such Deer, the Justice, at his Discretion, as the Evidence given and the Circumstances of the Case shall require, may summon before him every Person through whose Hands such Deer, or the Head, Skin, or other Part thereof, shall appear to have passed; and if the Person from whom the same shall have been first received, or who shall have had Possession thereof, shall not satisfy the Justice that he came lawfully by the same, he shall, on Conviction by the Justice, be liable to the Payment of such Sum of Money as is hereinbefore last mentioned.

Setting Engines for taking Deer, or pulling down Park Fences. 7 & 8 G. 4. c. 29. s. 28.

IV. Whosoever shall unlawfully and wilfully set or use any Snare or Engine whatsoever, for the Purpose of taking or killing Deer, in any Part of any Forest, Chase, or Purlieu, whether such Part be inclosed or not, or in any Fence or Bank dividing the same from any Land adjoining, or in any inclosed Land where Deer shall be usually kept, or shall unlawfully and wilfully destroy any Part of the Fence of any Land where any Deer shall be then kept, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Twenty Pounds, as to the Justice shall seem meet.

Deer Keepers, &c. may seize the Guns, &c. of Offenders who, on Demand, do not

V. If any Person shall enter into any Forest, Chase, or Purlieu, whether inclosed or not, or into any inclosed Land where Deer shall be usually kept, with Intent unlawfully to hunt, course, wound, kill, snare, or carry away any Deer, every Person entrusted with the Care of such Deer, and any of his Assistants, whether in his Presence or not,

not, may demand from every such Offender any Gun, Fire-arms, Snare, or Engine in his Possession, and any Dog there brought for hunting, coursing, or killing Deer, and in case such Offender shall not immediately deliver up the same, may seize and take the same from him in any of those respective Places, or, upon Pursuit made, in any other Place to which he may have escaped therefrom, for the Use of the Owner of the Deer; and if any such Offender shall unlawfully beat or wound any Person intrusted with the Care of the Deer, or any of his Assistants, in the Execution of any of the Powers given by this Act, every such Offender shall be guilty of Felony, and being convicted thereof, shall be liable, at the Discretion of the Court, to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour, and with or without Solitary Confinement.

deliver up the same. 7 & 8 G. 4. c. 29. s. 29.

Resistance to Keepers, &c. in the Execution of their Duty.

VI. Whosoever shall unlawfully and wilfully in the Night-time take or kill any Hare or Rabbit in any Warren or Ground lawfully used for the breeding or keeping of Hares or Rabbits, whether the same be inclosed or not, shall be guilty of a Misdemeanor; and whosoever shall unlawfully and wilfully in the Day-time take or kill any Hare or Rabbit in any such Warren or Ground, or shall at any Time set or use therein any Snare or Engine for the taking of Hares or Rabbits, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet; provided that nothing in this Section contained shall affect any Person taking or killing in the Day-time any Rabbits on any Sea Bank or River Bank in the County of Lincoln, so far as the Tide shall extend, or within One Furlong of such Bank.

Killing, &c. Hares or Rabbits in a Warren in the Night-time. 7 & 8 G. 4. c. 29. s. 30.

The like in the Day-time.

VII. Any Person found committing any Offence herein-before mentioned, whether punishable upon Indictment or upon summary Conviction, may be immediately apprehended without a Warrant by any Peace Officer, or by the Owner of the Property on or with respect to which the Offence shall be committed, or by his Servant, or any Person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible Witness shall prove upon Oath before a Justice of the Peace a reasonable Cause to suspect that any Person has unlawfully in his Possession or on his Premises any Deer, or the Head, Skin, or other Part thereof, or any Snare or Engine for the taking of Deer, the Justice may grant a Warrant to search for the same, as in the Case of stolen Goods; and any Person to whom any Property shall be offered to be sold or delivered, if he shall have reasonable Cause to suspect that any such Offence has been committed on or with respect to such

A Person committing any Offence before mentioned may be apprehended without a Warrant. 7 & 8 G. 4. c. 29. s. 63.

Search Warrant.

Property, is hereby authorized, and if in his Power is required, to apprehend and forthwith take before a Justice of the Peace the Party offering the same, together with such Property, to be dealt with according to Law.

Days and Seasons during which Game shall not be killed. 1 & 2 W. 4. c. 32. s. 3.

VIII. Whosoever shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking any Game, on a Sunday or Christmas Day, shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction; and whosoever shall kill or take any Partridge between the First Day of February and the First Day of September in any Year, or any Pheasant between the First Day of February and the First Day of October in any Year, or any Black Game in the County of Somerset or Devon, or in the New Forest in the County of Southampton, between the Tenth Day of December in any Year and the First Day of September in the succeeding Year, or in any other County or Place, between the Tenth Day of December in any Year and the Twentieth Day of August in the succeeding Year, or any Grouse commonly called Red Game between the Tenth Day of December in any Year and the Twelfth Day of August in the succeeding Year, or any Bustard between the First Day of March and the First Day of September in any Year, shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay, for every Head of Game so killed or taken, such Sum of Money, not exceeding One Pound, as to such Justices shall seem meet, together with the Costs of the Conviction.

Possession of [illegible] Ten [illegible] Days in other Persons after Expiration of the Season. 1 & 2 W. 4. c. 32. s. 4.

(A.) Whosoever, being duly licensed to deal in Game, shall buy or sell, or knowingly have in his House, Shop, Stall, Possession, or Control, any Bird of Game after the Expiration of Ten Days (One inclusive and the other exclusive) from the Day in each Year on which it shall become unlawful to kill or take such Bird of Game; and whosoever, not being duly licensed to deal in Game, shall buy or sell any Bird of Game after the Expiration of Ten Days (One inclusive and the other exclusive) from the Day in each Year on which it shall become unlawful to kill or take such Bird of Game, or shall knowingly have in his House, Possession, or Control any Bird of Game (except Birds of Game kept in a Mew or Breeding Place) after the Expiration of Forty Days (One inclusive and the other exclusive) from the Day in each Year on which it shall become unlawful to kill or take such Bird of Game, shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so bought or sold, or found in his House, Shop, Possession, or Control, such Sum of

of Money, not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

This Act not to affect the existing Laws re-

(B.) Nothing in this Act contained shall in anywise affect or alter (except as herein-after mentioned) any Act now in force by which any Person using any Dog, Gun, Net, or other Engine for the Purpose of taking or killing any Game, or any Woodcock, Snipe, Quail, or Landrail, or any Rabbits, is required to obtain and have an annual Game Certificate; but every Person, who before the Commencement of this Act was required to obtain and have such Certificate, shall after the Commencement of this Act be required from Time to Time to obtain and have the like Certificate; and all the Powers, Provisions, and Penalties contained in such Act shall continue in as full Force and Effect as if this Act had not been passed; and all Regulations and Provisions contained in any Act relating to Game Certificates, so far as they relate to Gamekeepers of Manors, and to the Amount of Duty for Game Certificates to be charged upon or in respect of Gamekeepers of Manors in the Cases specified in such Act, shall extend and apply to all Gamekeepers of Lands appointed under this Act as fully and effectually as if they were Gamekeepers of Manors, and were expressly mentioned in and charged by such Act.

1 & 2 W. 4. c. 32. s. 5.

Every certificated Person may kill Game, subject to the Law of Trespass, &c.

(C.) Every Person who shall have obtained an Annual Game Certificate may kill and take Game, subject to an Action, or to such other Proceedings as are herein-after mentioned for any Trespass in Search or Pursuit of Game, or for any other Offence against any of the Provisions of this Act: Provided, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to kill or take any Game, or to use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game, except within the Limits included in his Appointment as Gamekeeper; but that in any Case where such Gamekeeper shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of killing or taking Game beyond such Limits, he may be proceeded against under this Act, or otherwise, in the same Manner as if he had no Game Certificate.

Proviso as to Gamekeepers.

1 & 2 W. 4. c. 32. s. 6.

Under existing Leases the Landlord shall have the Game except in certain Cases.

IX. In all Cases where any Person shall occupy any Land under any Lease or Agreement made previously to the Thirty-first Day of October in the Year of our Lord One thousand eight hundred and thirty-one, except in the Cases herein-after next excepted, the Lessor or Landlord shall have the Right of entering upon such Land, or of authorizing any other Person who shall have obtained an Annual Game Certificate to enter upon such Land, for the Purpose of killing

1 & 2 W. 4. c. 32. s. 7.

or taking the Game thereon; and no Person occupying any Land under any Lease or Agreement, either for Life or for Years, made previously to the said Thirty-first Day of October, in the Year of our Lord One thousand eight hundred and thirty-one, shall have the Right to kill or take the Game on such Land, except where the Right of killing the Game upon such Land has been expressly granted or allowed to such Person by such Lease or Agreement, or except where upon the original granting or Renewal of such Lease or Agreement a Fine shall have been taken, or except where in the Case of a Term for Years such Lease or Agreement shall have been made for a Term exceeding Twenty-one Years.

This Act not to affect any existing or future Agreements respecting Game, nor any Rights of Manor, Forest, Chase, or Warren. 1 & 2 W. 4. c. 32. s. 8.

X. Provided, That nothing in this Act contained shall authorize any Person seised or possessed of or holding any Land to kill or take, or to permit any other Person to kill or take, the Game upon such Land, in any Case where, by any Deed, Grant, Lease, or any written or parol Demise or Contract, a Right of Entry upon such Land for the Purpose of killing or taking the Game has been or hereafter shall be reserved or retained by or given or allowed to any Grantor, Lessor, Landlord, or other Person; nor shall anything in this Act contained defeat or diminish any Reservation, Exception, Covenant, or Agreement already contained in any Private Act of Parliament, Deed, or other Writing relating to the Game upon any Land, nor in any Manner prejudice the Rights of any Lord or Owner of any Forest, Chase, or Warren, or of any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or of any Steward of the Crown of any Manor, Lordship, or Royalty, appertaining to Her Majesty.

This Act not to affect any of Her Majesty's Forest Rights, &c. 1 & 2 W. 4. c. 32. s. 9.

XI. Provided also, That nothing in this Act contained shall in any way alter or affect the Prerogative, Rights, or Privileges of Her Majesty, Her Heirs or Successors, nor the Powers or Authorities now vested in the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, in or relating to any of Her Majesty's Forests or the Boundaries thereof, nor in or relating to the Appointment of any Steward, Gamekeeper, or other Officer of any of Her Majesty's Forests, Parks, or Chases, or of any Hundred, Honor, Manor, or Lordship, being Part of the Possessions and Land Revenues of the Crown, nor the Rights, Privileges or Immunities, of any Chief Justice in Eyre, or any Warden, Deputy Warden, or Lieutenant of any of Her Majesty's Forests, or any Ranger, Verderer, Forester, Master-keeper, Under-keeper, or other Officer, of or in any of such Forests, Parks, or Chases, or of any Person entitled to any Right or Privilege under him, them, or any of them, nor the Rights or Privileges of any Person holding under any Grant or Purchase from the Crown,

nor

nor give to any Lord of any Manor within any Forest or the Boundaries thereof, nor to any other Person, any Privileges, Rights, or Powers within any such Forest, Park, or Chase, or the Boundaries thereof, which he did not possess or to which he was not entitled before the passing of this Act; but that all the aforesaid Prerogatives, Immunities, Privileges, Rights, and Powers shall remain as if this Act had not been passed.

Not to give to the Owner of any Cattlegate or Right of Common any Right to the Game. 1 & 2 W. 4. c. 32. s. 10.

XII. Provided also, That nothing herein contained shall be deemed to give to any Owner of any Cattlegate or Right of Common upon or over any Waste or Common any Interest or Privilege which such Owner was not possessed of before the passing of this Act, nor to authorize such Owner of such Cattlegate or Right of Common to pursue or kill the Game found on such Waste or Common; and that nothing herein contained shall defeat or diminish the Rights or Privileges which any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to Her Majesty, may, before the passing of this Act, have exercised in or over such Waste or Common; and the Lord or Steward of the Crown of every Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall have the Right to pursue and kill the Game upon any Waste or Common within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, and to authorize any other Person who shall have obtained an annual Game Certificate to enter upon such Waste or Common for the Purpose of pursuing and killing the Game thereon.

Lord of Manor to have the Game on the Wastes.

Landlord having the Game, may authorize others to kill it. 1 & 2 W. 4. c. 32. s. 11.

XIII. Where the Lessor or Landlord shall have by virtue of any Reservation or otherwise the Right of killing the Game upon any Land, he may authorize any other Person who shall have obtained an annual Game Certificate to enter upon such Land for the Purpose of pursuing and killing Game thereon.

Where the Landlord, &c. has the Right to the Game, in exclusion of the Occupier, the Occupier shall be liable to a Penalty for killing it. 1 & 2 W. 4. c. 32. s. 12.

XIV. Where the Right of killing the Game upon any Land is by this Act given to any Lessor or Landlord, in exclusion of the Right of the Occupier of such Land, or where such exclusive Right has been or shall be specially reserved by or granted to, or does or shall belong to, the Lessor, Landlord, or any Person other than the Occupier of such Land, in every such Case, if the Occupier of such Land shall pursue, kill, or take any Game upon such Land, or shall give Permission to any other Person so to do, without the Authority of the Lessor, Landlord, or other Person having the Right of killing the Game upon such Land, such Occupier shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for such Pursuit such

Sum of Money not exceeding Two Pounds, and for every Head of Game so killed or taken such Sum of Money not exceeding One Pound, as to the convicting Justices shall seem meet, together with the Costs of the Conviction.

Lords of Manors may appoint Gamekeepers. 1 & 2 W. 4. c. 32. s. 13.

XV. Any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to Her Majesty, may, by Writing under Hand and Seal, or in case of a Body Corporate then under the Seal of such Body Corporate, appoint One or more Person or Persons as a Gamekeeper or Gamekeepers to preserve or kill the Game within the Limits of such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for the Use of such Lord or Steward thereof, and may authorize such Gamekeeper or Gamekeepers within the said Limits to seize and take, for the Use of such Lord or Steward, all such Dogs, Nets, and other Engines and Instruments for the killing or taking of Game as shall be used within the said Limits by any Person not authorized to kill Game for Want of a Game Certificate.

Powers of Gamekeepers in Manors.

Lords of Manors may grant Deputations. 1 & 2 W. 4. c. 32. s. 14.

XVI. Any Lord of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or any Steward of the Crown of any Manor, Lordship, or Royalty appertaining to Her Majesty, may appoint and depute any Person, whether acting as a Gamekeeper to any other Person or not, or whether retained and paid for as the Male Servant of any other Person or not, to be a Gamekeeper for any such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or for such Division or District of such Manor, Lordship, or Royalty, as such Lord or Steward of the Crown shall think fit, and may authorize such Person, as Gamekeeper, to kill Game within the same for his own Use or for the Use of any other Person who may be specified in such Appointment or Deputation, and also may give to such Person all such Powers and Authorities as may by virtue of this Act be given to any Gamekeeper of a Manor; and no Person so appointed Gamekeeper, and empowered to kill Game for his own Use or for the Use of any other Person so specified, and not killing any Game for the Use of the Lord or Steward of the Crown of the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for which such Deputation or Appointment shall be given, shall be deemed to be or shall be entered or paid for as the Gamekeeper or Male Servant of the Lord or Steward making such Appointment or Deputation.

Regulations respecting Appoint-

XVII. Every Person who shall be entitled to kill the Game upon any Lands in Wales of the clear annual Value of Five hundred Pounds,

Pounds, whereof he shall be seised in Fee or as of Freehold, or to which he shall otherwise be beneficially entitled in his own Right, if such Lands shall not be within the Bounds of any Manor, Lordship, or Royalty, or if, being within the same, they shall have been enfranchised or alienated therefrom, may appoint, by Writing under his Hand and Seal, a Gamekeeper or Gamekeepers to preserve or kill the Game over and upon such his Lands, and also over and upon the Lands in Wales of any other Person, who, being entitled to kill the Game upon such last-mentioned Lands, shall by Licence in Writing authorize him to appoint a Gamekeeper or Gamekeepers to preserve or kill the Game thereupon, such last-mentioned Lands not being within the Bounds of any Manor, Lordship, or Royalty, or having been enfranchised or alienated therefrom; and the Person so appointing a Gamekeeper or Gamekeepers may authorize him or them to seize and take, for the Use of the Person so appointing, upon the Lands of which he or they shall be appointed Gamekeeper or Gamekeepers, all such Dogs, Nets, and other Engines and Instruments, for the killing or taking of Game as shall be used upon the said Lands by any Person not authorized to kill Game for Want of a Game Certificate.

ment of Gamekeepers in Wales.
1 & 2 W. 4. c. 32. s. 15.

XVIII. Provided, That no Appointment or Deputation of any Person as a Gamekeeper by virtue of this Act shall be valid unless and until it shall be registered with the Clerk of the Peace for the County, Riding, Division, Liberty, Franchise, City or Town, wherein the Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, or the Lands, shall be situate, for or in respect of which such Person shall have been appointed Gamekeeper; and in case the Appointment of any Person as Gamekeeper shall expire or be revoked, by Dismissal or otherwise, all Powers and Authorities given to him by virtue of this Act shall immediately cease and determine.

All Appointments of Keepers to be registered with the Clerk of the Peace.
1 & 2 W. 4. c. 32. s. 16.

XIX. Any Person being in the actual Occupation of any inclosed Lands, or any Owner thereof who has the Right of killing Game thereon, may, by himself or by any Person directed or authorized by him in Writing, according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect, take, kill, or destroy any Hare then being in or upon any such inclosed Lands, without the Payment of any Duties or Assessed Taxes, and without the obtaining of an annual Game Certificate.

Owners and Occupiers of inclosed Ground may in certain Cases kill Hares without a Game Certificate.
11 & 12 Vict. c. 29. s. 1.

XX. Provided, That no such Owner or Occupier of Land shall be authorized to grant or continue, under the Provisions of this Act, Authority to more than One Person at One and the same Time, to kill Hares upon his Land within any One Parish, Township, or Place; and that he shall deliver the said Authority, or a Copy thereof, or cause

Authority to kill Hares to be limited to One Person at the same Time in any One Parish; which Au-

thority shall be sent to the Clerk of the Petty Sessions, who shall register the same.
11 & 12 Vict. c. 29. s. 2.

cause the same to be delivered, to the Clerk of the Magistrates acting for the Petty Sessions Division within which the said Lands are situate, who shall forthwith register the same, and the Date of such Registration, in a Book to be kept by him for such Purpose, which Book shall be at all reasonable Times open to the Inspection of the Clerk of the Commissioners acting in the Execution of the Acts for Assessed Taxes, or of any of the Collectors of Assessed Taxes within such District; and the said Authority, so soon as it shall have been so registered, shall be held good until after the First Day of February in the Year following that within which the same is granted, unless the same be previously revoked, and Notice of such Revocation be given to the Clerk of the Magistrates as aforesaid; and the said registered Authority, or the unrevoked Register thereof, shall be good and sufficient Evidence of the Right of the Person to whom Authority is given by the same to kill Hares upon the Lands mentioned within the same without having obtained an annual Game Certificate.

If Authority revoked, Notice to be given of the same.

Game-keeper's Certificate unnecessary.
11 & 12 Vict. c. 29. s. 3.

(D.) No Person so directed or authorized to kill any Hare shall, unless otherwise chargeable, be liable to any Duties of Assessed Taxes as Gamekeeper.

Certificate unnecessary for coursing or hunting.
11 & 12 Vict. c. 29. s. 4.

(E.) Any Person may pursue and kill, or join in the Pursuit and killing of any Hare by coursing with Greyhounds, or by hunting with Beagles or other Hounds, without having obtained an annual Game Certificate, subject to an Action of Trespass or to such other Proceedings as are herein mentioned for any Offence against this Act.

Not to authorize the laying of Poison.
11 & 12 Vict. c. 29. s. 5.

XXI. Provided, That nothing in the last Four preceding Sections contained shall make it lawful for any Person, with Intent to destroy or injure any Hares or other Game, to put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, or for any Person to use any Fire-arms or Gun of any Description, by Night, for the Purpose of killing any Game or Hares.

Agreements reserving Game to be still in force.
11 & 12 Vict. c. 29. s. 6.

XXII. Provided also, That where any Tenant of any Land for Life or Lives, Years, or otherwise, now is or hereafter shall be bound by any Agreement, Covenant, Proviso, Promise, Undertaking, Condition, or Reservation, not to take, kill, or destroy any Game upon any Lands, nothing in the last Five preceding Sections contained shall authorize or empower such Tenant to take, kill, or destroy any Hare upon any such Lands, or to authorize any other Person to take, kill, or destroy any Hare upon any such Lands.

(F.) Every

(F.) Every Person who shall have obtained an annual Game Certificate shall have Power to sell Game to any Person duly licensed to deal in Game: Provided, that no Game Certificate on which a less Duty than Three Pounds Thirteen Shillings and Sixpence is chargeable under the Acts relating to Game Certificates shall authorize any Gamekeeper to sell any Game except on the Account and with the written Authority of the Master whose Gamekeeper he is; but that any such Gamekeeper selling any Game not on the Account and with the written Authority of such Master may be proceeded against under this Act in the same Manner, to all Intents and Purposes, as if he had no Game Certificate whatsoever.

(G.) The Justices of the Peace of every County, Riding, Division, Liberty, Franchise, City, or Town shall hold a Special Sessions in the Division or District for which they usually act, in every Year at the Month of July, for the Purpose of granting Licences to deal in Game; of the holding of which Sessions Seven Days Notice shall be given to each of the Justices acting for such Division or District; and the Majority of the Justices assembled at such Sessions, or at some Adjournment thereof, not being less than Two, may (if they shall think fit) grant, under their Hands, to any Person being a Householder or Keeper of a Shop or Stall within such Division or District, and not being an Innkeeper or Victualler, or licensed to sell Beer by Retail, nor being the Owner, Guard, or Driver of any Mail Coach, or other Vehicle employed in the Conveyance of the Mails of Letters, or of any Stage Coach, Stage Waggon, Van, or other public Conveyance, nor being a Carrier or Higgler, nor being in the Employment of any of the above-mentioned Persons, a Licence according to the Form in the Schedule (A.) annexed to this Act, empowering the Person to whom such Licence shall be so granted to buy Game at any Place from any Person who may lawfully sell Game by virtue of this Act, and also to sell the same at One House, Shop, or Stall only, kept by him: provided that every Person, while so licensed to deal in Game, shall affix to some Part of the Outside of the Front of his House, Shop, or Stall, and shall there keep, a Board having thereon in clear and legible Characters his Christian Name and Surname, together with the following Words, (that is to say,) "Licensed to deal in Game;" and every such Licence shall continue in force for the Period of One Year next after the granting thereof.

(H.) Every Person who shall have obtained any Licence to deal in Game shall annually and during the Continuance of his Licence, and before he shall be empowered to deal in Game under such Licence, obtain a Certificate according to the Form in the Schedule (B.) annexed

cate, with a Duty of 2*l.* 1 & 2 W. 4. c. 32. s. 19.

annexed to this Act, on Payment of the Duty of Two Pounds, which is hereby granted and made payable to Her Majesty for every such Certificate, which Certificate shall be in force for the same Period as such Licence; and the said Duty shall be paid to the Collector of the Assessed Taxes for the Parish, Township, or Place in which the Person so licensed shall reside, in like Manner as the Duties on Game Certificates are by Law payable; and every Receipt to be given by any Collector receiving such Duty shall be free of Stamp Duty, and shall be delivered to the Person requiring the same, on Payment to the Collector of One Shilling, and no more, over and above the said Duty for the Certificate; and such Receipt shall be exchanged for a Certificate under this Act in like Manner as Receipts for the Duty in respect of killing Game are by Law required to be exchanged for Game Certificates; and whosoever obtaining a Licence to deal in Game shall purchase or sell or otherwise deal in Game, as a licensed Dealer, before he shall obtain a Certificate in exchange for a Receipt as herein directed, shall for every such Offence forfeit and pay the Penalty of Twenty Pounds.

Dealing in Game without such Licence.

Collectors to make out List of Persons who have obtained Licences to deal in Game. 1 & 2 W. 4. c. 32. s. 20.

(I.) The Collector of the Assessed Taxes in every Parish, Township, or Place wherein any Person shall reside who shall have obtained such annual Licence and Certificate, shall in each Year make out a List, to be kept in his Possession, containing the Name and Place of Abode of every such Person, and shall at all seasonable Hours produce such List to any Person making verbal Application to inspect the same, and shall be entitled to demand and receive for such Inspection the Sum of One Shilling; and the Duties hereby granted in respect of Certificates to be obtained by Persons licensed to deal in Game shall be assessed, charged, raised, levied, and collected by the respective Commissioners and Justices of the Peace, and the several other Officers acting in the Execution of the several Acts relating to the Assessed Taxes, in the same Manner, and under the same Rules, Regulations, and Provisions, (except as herein varied,) as the Duties on Game Certificates are by the said Acts directed to be assessed, charged, raised, levied, and collected; and the last-mentioned Penalty of Twenty Pounds shall be sued for, recovered, and levied, either in the District in which the Offence shall be committed, or in the District in which the Offender shall reside, and be applied in the same Manner, and under the same Rules, Regulations, and Provisions, as Penalties on Persons doing Acts without Payment of the Game Duty, or neglecting to obtain Game Certificates, are by the said Acts directed to be sued for, recovered, levied, and applied, to all Intents and Purposes whatsoever as if such Rules, Regulations, and Provisions were specially repeated and re-enacted in this Act.

(K.) Pro-

(K.) Provided, That Persons being in Partnership, and carrying on their Business at One House, Shop, or Stall only, shall not be obliged by virtue of this Act to take out more than One Licence in any One Year to authorize them to deal in Game at such House, Shop, or Stall.

Proviso as to Partners. 1 & 2 W. 4. c. 32. s. 21.

(L.) If any Person duly licensed to deal in Game shall during the Period of such Licence be convicted of any Offence against this Act, such Licence shall thereupon become null and void.

Licences when to become void. 1 & 2 W. 4. c. 32. s. 22.

(M.) Whosoever, not having obtained a Game Certificate (except such Person be duly licensed to deal in Game), shall sell or offer for Sale any Game to any Person, and whosoever, being duly authorized to sell Game by virtue of a Game Certificate, shall sell or offer for Sale any Game to any Person, except a Person duly licensed to deal in Game, shall, on Conviction of any such Offence before Two Justices of the Peace, forfeit and pay for every Head of Game so sold or offered for Sale such Sum of Money, not exceeding Two Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty for [illegible] without Licence, and on certificated Persons selling to unlicensed Persons. 1 & 2 W. 4 [illegible]

(N.) Provided, That any Innkeeper or Tavernkeeper may, without any such Licence for dealing in Game, sell Game for Consumption in his own House, such Game having been procured from some Person duly licensed to deal in Game, and not otherwise.

Exceptions as to Innkeepers. 1 & 2 W. 4. c. 32. s. 26.

(O.) Whosoever, not being duly licensed to deal in Game, shall buy any Game from any Person, except from a Person duly licensed to deal in Game, or bonâ fide from a Person affixing to the Outside of the Front of his House, Shop, or Stall a Board purporting that he is a Person licensed to deal in Game, shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Head of Game so bought such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty on Persons buying Game. [illegible] licensed Dealers. 1 & 2 W. 4. c. 32. s. 27.

(P.) Every Person who shall inform and prosecute or give Evidence against any other Person for any Offence which shall be committed against the last preceding Section or Section Thirty-four of this Act, shall be discharged from every Penalty which he may have incurred under either of the said Sections for or by reason of any Transaction or Dealing which he may have had with the Person against whom he shall so inform and prosecute or give Evidence; provided the Information or Prosecution which he shall have instituted, or upon which he shall give Evidence, shall have been commenced

Indemnity to Persons informing for Offences against Sections 34 and 36. 5 & 6 W. 4 c. [illegible]

 before

before the Institution of any Proceedings against himself for the Recovery of any such Penalty.

Penalty on licensed Dealers buying Game from uncertificated Persons, or otherwise offending. 1 & 2 W. 4. c. 32. s. 28.

(Q.) Whosoever, being duly licensed to deal in Game, shall buy or obtain any Game from any Person not authorized to sell Game for Want of a Game Certificate, or for Want of a Licence to deal in Game, and whosoever, being duly licensed to deal in Game, shall sell or offer for Sale any Game at his House, Shop, or Stall, without such Board being affixed to some Part of the Outside of the Front of such House, Shop, or Stall at the Time of such selling or offering for Sale, or shall affix or cause to be affixed such Board to more than One House, Shop, or Stall, or shall sell any Game at any Place other than the House, Shop, or Stall where such Board shall have been affixed; and whosoever, not being duly licensed to deal in Game, shall assume or pretend, by affixing such Board, or by exhibiting any Certificate, or by any other Device or Pretence, to be a Person licensed to deal in Game, shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

As to buying and selling Game by the Servants of a licensed Dealer. 1 & 2 W. 4. c. 32. s. 29.

XXIII. Provided, That the buying and selling of Game by any Person employed on the Behalf of any licensed Dealer in Game, and acting in the usual Course of his Employment, and upon the Premises where such dealing is carried on, shall be deemed to be a lawful buying and selling in every Case where the same would have been lawful if transacted by such licensed Dealer himself: Provided also, that nothing herein contained shall prevent any licensed Dealer in Game from selling any Game which shall have been sent to him to be sold on account of any other licensed Dealer in Game.

Penalty for killing Game without a Certificate. 1 & 2 W. 4. c. 32. s. 23.

XXIV. Whosoever shall kill or take any Game, or use any Dog, Gun, Net, or other Engine or Instrument for the Purpose of searching for or killing or taking Game, not being authorized so to do for Want of a Game Certificate, shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Sum of Money, not exceeding Five Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction: Provided, that no Person so convicted shall by reason thereof be exempted from any Penalty or Liability under any Statute relating to Game Certificates, but that the Penalty imposed by this Act shall be deemed to be a cumulative Penalty.

This Penalty to be cumulative.

Penalty for destroying or taking the Eggs of

XXV. Whosoever, not having the Right of killing the Game upon any Land, nor having Permission from the Person having such Right, shall wilfully take out of the Nest or destroy in the Nest upon

upon such Land any Egg of any Bird of Game, or of any Swan, Wild Duck, Teal, or Widgeon, or shall knowingly have in his House, Shop, Possession, or Control any such Egg so taken, shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay for every Egg so taken or destroyed, or so found in his House, Shop, Possession, or Control, such Sum of Money, not exceeding Five Shillings, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Game, &c. 1 & 2 W. 4. c. 32. s. 24.

XXVI. Whosoever, with Intent to destroy or injure any Game, shall at any Time put or cause to be put any Poison or poisonous Ingredient on any Ground, whether open or inclosed, where Game usually resort, or in any Highway, shall, on Conviction thereof before Two Justices of the Peace, forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the said Justices shall seem meet, together with the Costs of the Conviction.

Penalty for laying Poison to kill Game. 1 & 2 W. 4. c. 32. s. 3.

XXVII. Whosoever shall commit any Trespass by entering or being, in the Daytime, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Rabbits, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction; and if any Persons to the Number of Five or more together shall commit any Trespass, by entering or being, in the Day-time, upon any Land in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Rabbits, each of such Persons shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the said Justice shall seem meet, together with the Costs of the Conviction: Provided, that any Person charged with any such Trespass shall be at liberty to prove, by way of Defence, any Matter which would have been a Defence to an Action at Law for such Trespass; except that the Leave or Licence of the Occupier of the Land so trespassed upon shall not be a sufficient Defence in any Case where the Landlord, Lessor, or other Person shall have the Right of killing the Game upon such Land by virtue of any Reservation or otherwise, as herein-before mentioned, but such Landlord, Lessor, or other Person shall, for the Purpose of prosecuting for any Offence in this Section mentioned, be deemed to be the legal Occupier of such Land, whenever the actual Occupier thereof shall have given such Leave or Licence; and that the Lord or Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, shall be deemed to be the Legal Occupier of the Land of the Wastes or Commons within such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty; and whosoever, having been convicted

Penalty on Persons trespassing in the Daytime upon Lands in search of Game. 1 & 2 W. 4. c. 32. s. 30.

Where the Occupier of the Land, not being entitled to the Game, allows any Person to kill it, the Party entitled to the Game may enforce the Penalty.

of any of the said Offences in this Section before mentioned, shall afterwards commit any of the said Offences, shall on Conviction thereof before a Justice of the Peace forfeit and pay such Sum of Money, not exceeding Ten Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction.

Trespassers in search of Game may be required to quit the Land, and to tell their Names and Abodes, and in case of Refusal may be arrested. 1 & 2 W. 4. c. 32. s. 31.

XXVIII. Where any Person shall be found on any Land, or upon any of Her Majesty's Forests, Parks, Chases, or Warrens, in the Day-time, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Rabbits, any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise as herein-before mentioned, or the Occupier of the Land (whether there shall or shall not be any such Right by Reservation or otherwise), or any Gamekeeper or Servant of either of them, or any Person authorized by either of them, or the Warden, Ranger, Verderer, Forester, Master-keeper, Under-keeper, or other Officer of such Forest, Park, Chase, or Warren, may require the Person so found forthwith to quit the Land whereon he shall be so found, and also to tell his Christian Name, Surname, and Place of Abode; and in case such Person shall, after being so required, refuse to tell his real Name or Place of Abode, or give such a General Description of his Place of Abode as shall be illusory for the Purpose of Discovery, or wilfully continue or return upon such Land, the Party so requiring and any Person acting by his Order and in his Aid, may apprehend such Offender, and convey him or cause him to be conveyed as soon as conveniently may be before a Justice of the Peace; and such Offender (whether so apprehended or not), upon being convicted of any such Offence before a Justice of the Peace, shall forfeit and pay such Sum of Money, not exceeding Five Pounds, as to the convicting Justice shall seem meet, together with the Costs of the Conviction:

Penalty.

Party arrested must be discharged unless brought before a Justice within 12 Hours.

Provided, that no Person so apprehended shall, on any Pretence whatsoever, be detained for a longer Period than Twelve Hours from the Time of his Apprehension until he shall be brought before some Justice of the Peace; and if he cannot, on account of the Absence or Distance of the Residence of any such Justice of the Peace, or owing to any other reasonable Cause, be brought before a Justice of the Peace within such Twelve Hours, then he shall be discharged, but may nevertheless be proceeded against for his Offence by Summons or Warrant, according to the Provisions herein-after mentioned, as if no such Apprehension had taken place.

Penalty on Persons found armed using Violence, &c. 1 & 2 W. 4. c. 32. s. 32.

XXIX. Where any Persons, to the Number of Five or more together, shall be found on any Land, or in any of Her Majesty's Forests, Parks, Chases, or Warrens in the Daytime, in search or pursuit of Game, or Woodcocks, Snipes, Quails, Landrails, or Rabbits, any of such

such Persons being armed with a Gun, and any of such Persons shall, by Violence, Intimidation, or Menace, prevent or endeavour to prevent any Person authorized as in the last preceding Section mentioned from approaching any of such Persons, for the Purpose of requiring any of them to quit the Land whereon they shall be so found, or to tell his Christian Name, Surname, or Place of Abode, as in the last preceding Section mentioned, every Person so offending by such Violence, Intimidation, or Menace, and every Person aiding or abetting such Offender, shall, upon being convicted thereof before Two Justices of the Peace, forfeit and pay for every such Offence such Penalty, not exceeding Five Pounds, as to the convicting Justices shall seem meet, together with the Costs of the Conviction, which Penalty shall be in addition to any other Penalty to which any such Person may be liable for any other Offence against this Act.

Penalty for Trespass in Daytime in Her Majesty's Forests.
1 & 2 W. 4. c. 32. s. 33.

XXX. Whosoever shall commit any Trespass, by entering or being, in the Daytime, upon any of Her Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, without being first duly authorized so to do, shall, on Conviction thereof before a Justice of the Peace, forfeit and pay such Sum of Money, not exceeding Two Pounds, as to the Justice shall seem meet, together with the Costs of the Conviction.

The Provisions as to Trespassers not to apply to Persons hunting, &c.
1 & 2 W. 4. c. 32. s. 35.

XXXI. Provided, That the aforesaid Provisions against Trespassers and Persons found on any Land shall not extend to any Person hunting or coursing upon any Lands with any Hound or Greyhound, and being in fresh Pursuit of any Deer, Hare, or Fox already started upon any other Land, nor to any Person bonâ fide claiming and exercising any Right or reputed Right of Free Warren or Free Chase, nor to any Gamekeeper within the Limits of any Free Warren or Free Chase for which he shall be lawfully appointed, nor to any Lord or any Steward of the Crown of any Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, nor to any Gamekeeper within the Limits of any such Manor, Lordship, or Royalty, or reputed Manor, Lordship, or Royalty, for which he shall be lawfully appointed by such Lord or Steward.

Game may be taken from Trespassers not delivering up the same when demanded.
1 & 2 W. 4. c. 32. s. 36.

XXXII. When any Person shall be found by Day or by Night upon any Land, or in any of Her Majesty's Forests, Parks, Chases, or Warrens, in search or pursuit of Game, and shall have in his Possession any Game which shall appear to have been recently killed, any Person having the Right of killing the Game upon such Land, by virtue of any Reservation or otherwise, as herein-before mentioned, or the Occupier of such Land (whether there shall or shall not be any such Right by Reservation or otherwise), or any Gamekeeper or

Servant or either of them, or any such Officer of such Forest, Park, Chase, or Warren, or any Person acting by the Order and in aid of any of the said Persons, may demand from the Person so found such Game in his Possession, and in case such Person shall not immediately deliver up such Game, may seize and take the same from him, for the Use of the Person entitled to the Game upon such Land, Forest, Park, Chase, or Warren.

Persons taking or destroying Game by Night to be committed, for the 1st Offence, 3 Months, and kept to HardLabour, and to find Sureties.

9 G. 4. c. 69. 7 & 8 Vict. c. 29.

XXXIII. Whosoever shall, by Night, unlawfully take or destroy any Game or Rabbits in any Land, whether open or inclosed, or on any Public Road, Highway, or Path, or the Side thereof, or at any Opening, Outlet, or Gate from any such Land into any such Public Road, Highway, or Path, or shall, by Night, unlawfully enter or be in any Land, whether open or inclosed, with any Gun, Net, Engine, or other Instrument, for the Purpose of taking or destroying Game, shall, upon Conviction thereof before Two Justices of the Peace, be committed for the First Offence to the Common Gaol or House of Correction for any Period not exceeding Three Months, there to be kept to Hard Labour, and at the Expiration of such Period shall find Sureties by Recognizance, himself in Ten Pounds, and Two Sureties in Five Pounds each, or One Surety in Ten Pounds, for his not so offending again for the Space of One Year next following, and in case of not finding such Sureties shall be further imprisoned and kept to Hard Labour for the Space of Six Months, unless such Sureties are sooner found; and in case such Person shall so offend a Second Time, and shall be thereof convicted before Two Justices of the Peace, he shall be committed to the Common Gaol or House of Correction for any Period not exceeding Six Months, there to be kept to Hard Labour, and at the Expiration of such Period shall find Sureties by Recognizance, himself in Twenty Pounds, and Two Sureties in Ten Pounds each, or One Surety in Twenty Pounds, for his not so offending again for the Space of Two Years next following, and in case of not finding such Sureties shall be further imprisoned and kept to Hard Labour for the Space of One Year, unless such Sureties are sooner found; and in case such Person shall so offend a Third Time he shall be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned and kept to Hard Labour for any Term not exceeding Two Years.

2d Offence, 6 Months, and kept to HardLabour, and to find Sureties;

3d Offence, a Misdemeanor.

Owners or Occupiers of Land, Lords

XXXIV. Where any Person shall be found upon any Land, or upon any Public Road, Highway, or Path, or the Side thereof, or at any Opening,

Opening, Outlet, or Gate from any such Land into any such Road, Highway, or Path, committing any such Offence as is in the last preceding Section mentioned, the Owner or Occupier of such Land, or any Person having a Right or reputed Right of Free Warren or Free Chase on such Land, or on that Part of such Road, Highway, Path, or Place where the Offender shall be found, or the Lord of the Manor or reputed Manor wherein such Land, or such Part of such Road, Highway, or Path, or Place may be situate, or the Owner or Occupier of any Land adjoining either Side of such Part of such Road, Highway, or Path where the Offender shall be found, and also any Gamekeeper or Servant of any of the Persons herein mentioned, or any Person assisting such Gamekeeper or Servant, may seize and apprehend such Offender upon such Land, Road, Highway, Path, or other Place, or in case of Pursuit being made, in any other Place to which he may have escaped therefrom, and may deliver him as soon as may be into the Custody of a Peace Officer, in order to his being conveyed before Two Justices of the Peace; and in case such Offender shall assault or offer any Violence with any Gun, Crossbow, Fire Arms, Bludgeon, Stick, Club, or any other offensive Weapon whatsoever, towards any Person hereby authorized to seize and apprehend him, he shall, whether it be his First, Second, or any other Offence, be guilty of a Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Seven Years, and not less than Three Years,—or to be imprisoned and kept to Hard Labour for any Term not exceeding Two Years.

of Manors, or their Servants, may apprehend Offenders. 9 G. 4. c. 69. s. 2. 7 & 8 Vict. c. 29.

Offenders assaulting or offering Violence deemed guilty of Misdemeanor.

XXXV. If any Persons, to the Number of Three or more together, shall, by Night, unlawfully enter or be in any Land, whether open or inclosed, for the Purpose of taking or destroying Game or Rabbits, any of such Persons being armed with any Gun, Crossbow, Fire-arms, Bludgeon, or any other offensive Weapon, each and every of such Persons shall be guilty of a Misdemeanor, and being convicted thereof before the Justices of Gaol Delivery of the County or Place in which the Offence shall be committed, shall be liable, at the Discretion of the Court, to be kept in Penal Servitude for any Term not exceeding Fourteen Years nor less than Three Years,—or to be imprisoned and kept to Hard Labour for any Term not exceeding Three Years.

If Persons to the Number of Three, being armed, enter any Land for the Purpose of taking or destroying Game, &c., they shall be deemed guilty of a Misdemeanor. 9 G. 4. c. 69. s. 9.

XXXVI. One Moiety of every Penalty and Forfeiture for any Offence against this Act (the Application of which has not been already

Application of Penalties for Offences

against this Act. 5 & 6 W. 4. c. 20. s. 21. 1 & 2 W. 4. c. 32. s. 37.

provided for) shall be paid and applied in the same Manner as other Penalties recoverable before Justices of the Peace are to be paid and applied in Cases where the Statute imposing the same contains no Directions for the Payment thereof to any Person, to some One of the Overseers of the Poor, or to some other Officer (as the convicting Justice or Justices may direct) of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the general Rate of the County, Riding, or Division in which such Parish, Township, or Place shall be situate, whether the same shall or shall not contribute to such general Rate; and the other Moiety thereof shall be paid to the Person who shall inform and prosecute for the same.

Time for Payment of Penalties, and Scale of Imprisonment for Nonpayment. 1 & 2 W. 4. c. 32. s. 38. 7 & 8 G. 4. c. 29. s. 67.

XXXVII. The Justice or Justices of the Peace by whom any Person shall be summarily convicted and adjudged to pay any Sum of Money for any Offence against this Act, together with Costs, may adjudge that such Person shall pay the same either immediately or within such Period as the said Justice or Justices shall think fit, and that in default of Payment at the Time appointed such Person shall be imprisoned in the Common Gaol or House of Correction (with or without Hard Labour), as to the Justice or Justices shall seem meet, for any Term not exceeding Two Months where the Amount to be paid, exclusive of Costs, shall not amount to Five Pounds, and for any Term not exceeding Three Months in any other Case, the Imprisonment to cease in each of the Cases aforesaid upon Payment of the Amount and Costs.

What Time shall be considered Day and Night 1 & 2 W. 4. c. 32. s. 34. 9 G. 4. c. 69. s. 12.

XXXVIII. For the Purposes of this Act the Daytime shall be deemed to commence at the Beginning of the last Hour before Sunrise, and to conclude at the Expiration of the First Hour after Sunset, and for the Purposes of this Act the Night shall be deemed to commence at the Expiration of the First Hour after Sunset, and to conclude at the Beginning of the last Hour before Sunrise.

What shall be deemed Game. 9 G. 4. c. 69. s. 13. 1 & 2 W. 4. c. 32. s. 2.

XXXIX. For the Purposes of this Act the Word "Game" shall be deemed to include Hares, Pheasants, Partridges, Grouse, Heath or Moor Game, Black Game, and Bustards.

Limitation of Time for Proceedings under this Act. 9. G. 4. c. 69. s. 4. 1 & 2 W. 4. c. 34. s. 41. 7 & 8 G. 4. c. 29. s. 64.

XL. The Prosecution for every Offence of Night Poaching punishable upon summary Conviction by virtue of this Act shall be commenced within Six Months after the Commission of the Offence; and the Prosecution for every such Offence punishable upon Indictment, or otherwise than upon summary Conviction, by virtue of this Act, shall be commenced within Twelve Months after the Commission of such Offence; and the Prosecution of every other Offence punishable

on

on summary Conviction by virtue of this Act shall be commenced within Three Months after the Commission of such Offence.

Mode of enforcing the Appearance of Offenders.
1 & 2 W. 4. c. 32. s. 41.
6 & 7 W. 4. c. 65. s. 9.
7 & 8 G. 4. c. 29. s. 65.

XLI. Where any Person shall be charged on the Oath of the Informer or any other credible Witness with any Offence against this Act before a Justice of the Peace, such Justice may summon the Party charged to appear before himself, or any One or Two Justices of the Peace, as the Case may require, at a Time and Place to be named in such Summons; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or to some Inmate at the Party's usual Place of Abode, and explaining the Purport thereof to such Inmate,) the Justice or Justices may either proceed to hear and determine the Case in the Absence of the Party, or may issue his or their Warrant for apprehending and bringing such Party before him or them, or any other Justice or Justices, as the Case may be; or the Justice before whom the Charge shall be made may, if he shall have Reason to suspect from Information upon Oath that the Party is likely to abscond, issue such Warrant, in the first instance, without any previous Summons.

Prosecutor not required to prove a Negative.
1 & 2 W. 4. c. 32. s. 42.

XLII. It shall not be necessary, in any Proceeding against any Person under this Act, to negative by Evidence any Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence; but the Party seeking to avail himself of any such Certificate, Licence, Consent, Authority, or other Matter of Exception or Defence, shall be bound to prove the same.

Appeal.
1 & 2 W. 4. c. 32. s. 44.
9 G. 4. c. 69. s. 6.
7 & 8 G. 4. c. 29. s. 72.

XLIII. Any Person who shall think himself aggrieved by any summary Conviction in pursuance of this Act may appeal to the Justices at the next General or Quarter Sessions of the Peace to be holden not less than Twelve Days after such Conviction, for the County, Riding, Division, Liberty, Franchise, City, or Town wherein the Offence of which he shall have been convicted shall have been committed, provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or within such Three Days enter into a Recognizance, with a sufficient Surety, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereupon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such

Person, if in Custody; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet, and in case of the Dismissal of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be dealt with and punished according to the Conviction, and to pay such Costs as shall be awarded, and shall, if necessary, issue Process for enforcing such Judgment: Provided, that no such Appellant shall on the Trial of such Appeal go into or give Evidence of any Ground of Appeal not contained in such Notice.

No Certiorari, &c. 9 G. 4. c. 69. s. 7. 1 & 2 W. 4. c. 32. s. 45. 7 & 8 G. 4. c. 29. s. 73.

XLIV. No summary Conviction in pursuance of this Act, or Adjudication made on Appeal therefrom, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment shall be held void by reason of any Defect therein, provided it be therein alleged that it is founded on a Conviction, and there be a good and valid Conviction to sustain the same.

This Act not to preclude Actions for Trespass, but no Double Proceedings for the same Trespass. 1 & 2 W. 4. c. 32. s. 46.

XLV. Provided, That nothing in this Act contained shall prevent any Person from proceeding by way of Civil Action to recover Damages in respect of any Trespass upon his Land, whether committed in pursuit of Game or otherwise, except that where any Proceedings shall have been instituted under the Provisions of this Act against any Person for or in respect of any Trespass, no Action at Law shall be maintainable for the same Trespass by any Person at whose Instance or with whose Concurrence or Assent such Proceedings shall have been instituted, but that such Proceedings shall in such Case be a Bar to any such Action, and may be given in Evidence under the General Issue.

Venue, &c. in Proceedings against Persons acting under this Act. 1 & 2 W. 4. c. 32. s. 47. 7 & 8 G. 4. c. 29. s. 75.

Tender of Amends.

XLVI. Every Action and Prosecution to be commenced against any Person for anything done in pursuance of this Act shall be laid and tried in the County where the Fact was committed, and shall be commenced within Six Months after the Fact committed, and not otherwise; and Notice in Writing of such Action, and of the Cause thereof, shall be given to the Defendant One Month at least before the Commencement of the Action; and in any such Action the Defendant may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon; and no Plaintiff shall recover in any such Action if Tender of sufficient Amends shall have been made before such Action brought, or if a sufficient Sum of Money shall have been paid into Court after such Action brought, by or on behalf of the Defendant.

XLVII. In

XLVII. In all Cases where any Person shall be convicted of a Misdemeanor under this Act it shall be lawful for the Court, if it shall think fit, in addition to or in lieu of any of the Punishments by this Act authorized, to fine the Offender, and to require him to find Sureties for keeping the Peace and being of good Behaviour, both or either; and in all Cases of Felonies in this Act mentioned it shall be lawful for the Court, if it shall think fit, to require the Offender to find Sureties for keeping the Peace, in addition to any of the Punishments by this Act authorized. Fine and Sureties for the Peace, in what Cases.

XLVIII. Where Imprisonment, with or without Hard Labour, may be awarded for any Offence under this Act the Court may sentence the Offender to be imprisoned, or to be imprisoned and kept to Hard Labour, in the Common Gaol or House of Correction; and where Solitary Confinement may be awarded for any Offence under this Act the Court may direct the Offender to be kept in Solitary Confinement for any Portion or Portions of his Imprisonment, or of his Imprisonment with Hard Labour, not exceeding One Month at any One Time, and not exceeding Three Months in any One Year. Hard Labour and Solitary Confinement.

XLIX. Nothing in this Act contained shall extend to Scotland or Ireland. Act not to extend to Scotland or Ireland.

L. This Act shall commence and take effect on the First Day of January One thousand eight hundred and fifty-eight. Commencement of Act.

SCHEDULES.

SCHEDULE (A.)

FORM OF LICENCE.

AT a Special Session of the Justices of the Peace of the County of [*or* Riding, *&c. as the Case may be*], acting for the Division of [*or otherwise, as the Case may be*] in the said County, holden at in the said on the Day of in the Year We being Justices acting for the said assembled at the said Special Session, do hereby authorize *A.B.* of [*here insert the Name, Description, and Place of Residence, and if more than One in Partnership, say, C.D.* of, *&c.* and *E.F.* of, *&c.*, being Partners], being a Householder [*or* Householders], [*or* Keeper (*or* Keepers) of a Shop *or* Stall, *as the Case may be*], to buy Game from any Person authorized to sell Game by virtue of the Statute in such Case made and provided; and we do also authorize the said *A.B.* [*or C.D.* and *E.F.*, being Partners] to sell at his [*or* their] House [Shop *or* Stall] any Game so bought, provided that the said *A.B.* [*or C.D.* and *E.F.*, being Partners] shall affix to some Part of the Outside of the Front of his [*or* their] House [Shop *or* Stall], and shall there keep, a Board having thereon in clear and legible Characters his Christian Name and Surname [*or* their Christian Names and Surnames], together with the following Words, "Licensed to deal in Game."

This Licence will expire on

(Signed) Justice of the Peace.
Justice of the Peace.

SCHEDULE (B.)

FORM of CERTIFICATE to be issued by Clerks of Commissioners of Assessed Taxes to every Person licensed to deal in Game.

RECEIVED from *A.B.* [*or C.D.* and *E.F.*, being Partners], residing at [Parish, Township, *or* Place] in the County of

In exchange for this Certificate), a Receipt under the Hand of *G.H.*, the Collector of Assessed Taxes for the said [Parish or] for the Sum of being the Duty chargeable on the said *A.B.* [or *C.D.* and *E.F.*, being Partners] in respect of his [or their] Licence to deal in Game.

Certified this Day of in Year in pursuance of the Statute in such Case made and provided.

This Certificate will expire on

(Signed)
Clerk to the Commissioners of Assessed Taxes for the Division of
in the County of

SCHEDULE (C.)

I *A.B.* do authorize *C.D.* to kill Hares on ["my Lands," *or* "the Lands occupied by me," *as the Case may be*], within the of [*here insert the Name of the Parish or other Place, as the Case may be*]. Dated this Day of [*here insert the Day, Month, and Year*].

A.B.

Witness,

Deer, Game, and Rabbits.

A

B I L L

INTITULED

An Act to consolidate the Statute Law of England relating to Deer, Game, and Rabbits.

(*Brought from the Lords* 24 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 27 *July* 1857.

[Bill 162.]

Under 4 *oz.*

25 *June* 1857. 20 & 21 Vict.

A

B I L L

INTITULED

An Act to amend the Law relating to Divorce and Matrimonial Causes in England.

[*The Clauses and Words printed in Red Ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to amend the Law relating to Divorce, and to constitute a Court with exclusive Jurisdiction in Matters Matrimonial in England, and with Authority in certain Cases to decree the Dissolution of a Marriage: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act shall come into operation on such Day, not sooner than the First Day of January One thousand eight hundred and fifty-eight, as Her Majesty shall by Order in Council appoint, provided that such Order be made One Month at least previously to the Day so to be appointed. Commencement of Act.

II. As soon as this Act shall come into operation, all Jurisdiction now exerciseable by any Ecclesiastical Court in England in respect of Divorces à Mensâ et Thoro, Suits of Nullity of Marriage, Suits of Jurisdiction in Matters Matrimonial now vested in Ecclesiastical Courts to cease.

of Jactitation of Marriage, Suits for Restitution of Conjugal Rights, and in all Causes, Suits, and Matters Matrimonial, shall cease to be so exerciseable, except so far as relates to the granting of Marriage Licences, which may be granted as if this Act had not been passed.

The Court may enforce prior Decrees or Orders.

III. Any Decree or Order of any Ecclesiastical Court of competent Jurisdiction which shall have been made before this Act comes into operation, in any Cause or Matter Matrimonial, may be enforced or otherwise dealt with by the Court of Marriage and Divorce hereinafter mentioned, in the same Way as if it had been originally made by the said Court under this Act.

Pending Suits.

IV. All Suits and Proceedings in Causes and Matters Matrimonial which at the Time when this Act comes into operation shall be pending in any Ecclesiastical Court in England shall be transferred to, dealt with, and decided by the said Court of Marriage and Divorce as if the same had been originally instituted in the said Court.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

V. Provided, That if at the Time when this Act comes into operation any Cause or Matter which would be transferred to the said Court of Marriage and Divorce under the Enactment herein-before contained shall have been heard before any Judge having Jurisdiction in relation to such Cause or Matter, and be then standing for Judgment, such Judge may at any Time within Six Weeks after the Time when this Act comes into operation give in to One of the Registrars attending the Court of Marriage and Divorce a written Judgment thereon signed by him; and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment, and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Marriage and Divorce on the Day on which the same was delivered to the Registrar, and shall be subject to appeal under this Act.

Jurisdiction over Causes Matrimonial to be exercised by the Court of Marriage and Divorce.

VI. As soon as this Act shall come into operation, all Jurisdiction now vested in or exerciseable by any Ecclesiastical Court or Person in England in respect of Divorces à Mensâ et Thoro, Suits of Nullity of Marriage, Suits for Restitution of Conjugal Rights, and in all Causes, Suits, and Matters Matrimonial, except in respect of Marriage Licences, shall belong to and be vested in Her Majesty, and such Jurisdiction, together with the Jurisdiction conferred by this Act, shall be exercised in the Name of Her Majesty in a Court of Record to be called "The Court of Marriage and Divorce:" Provided always, that no Suit shall be entertained for Jactitation of Marriage.

VII. No

VII. No Decree shall hereafter be made for a Divorce à Mensâ et Thoro, but in all Cases in which a Decree for a Divorce à Mensâ et Thoro might now be pronounced the Court may pronounce a Decree for a Judicial Separation, which shall have the same Force and the same Consequences as a Divorce à Mensâ et Thoro now has. Where Decree for Divorce à Mensâ et Thoro might now be pronounced, a Judicial Separation to be substituted.

VIII. The Lord Chancellor, the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, the Lord Chief Baron of the Court of Exchequer, and the Judge of Her Majesty's Court of Probate constituted by any Act of the present Session, shall be the Judges of the said Court. Judges of the Court.

IX. The Judge of the Court of Probate shall be called the Judge Ordinary of the said Court, and shall have full Authority, either alone or with One or more of the other Judges of the said Court, to hear and determine all Matters arising therein, except Petitions for the dissolving of a Marriage and Applications for new Trials of Questions or Issues before a Jury, and, except as aforesaid, may exercise all the Powers and Authority of the said Court. Authority of the Judge Ordinary.

X. All Petitions for the dissolving of a Marriage, and Applications for new Trials of Questions or Issues before a Jury, shall be heard and determined by Three or more Judges of the said Court, of whom the Judge of the Court of Probate shall be One. Petitions for Dissolution of a Marriage, &c. to be heard by Three Judges.

XI. During the temporary Absence of the Judge Ordinary, the Lord Chancellor may by Writing under his Hand authorize the Master of the Rolls, the Judge of the Admiralty Court, or either of the Lords Justices or any Vice-Chancellor, or any Judge of the Superior Courts of Law at Westminster, to act as Judge Ordinary of the said Court of Marriage and Divorce, and the Master of the Rolls, the Judge of the Admiralty Court, Lord Justice, Vice-Chancellor, or Judge of the Superior Courts shall, when so acting, have and exercise all the Jurisdiction, Power, and Authority which might have been exercised by the Judge Ordinary alone. Who to act as Judge during Absence of the Judge Ordinary.

XII. The Court of Marriage and Divorce shall hold its Sittings at such Place or Places in London or Middlesex or elsewhere as Her Majesty in Council shall from Time to Time appoint. Sittings of the Court.

XIII. The Lord Chancellor shall direct a Seal to be made for the said Court, and may direct the same to be broken, altered, and renewed, at his Discretion; and all Decrees and Orders, or Copies of Decrees or Orders, of the said Court, sealed with the said Seal, shall be received in Evidence as conclusive Proof thereof. Seal of the Court.

Officers of the Court.

XIV. The Registrars and other Officers of the Principal Registry of the Court of Probate shall attend the Sittings of the Court of Marriage and Divorce, and assist in the Proceedings thereof, as shall be directed by the Rules and Orders under this Act.

Practitioners.

XV. All Persons admitted to practise as Advocates or Proctors respectively in any Ecclesiastical Court in England shall have the exclusive Right of practising in the said Court of Marriage and Divorce in all Matters which the Judge Ordinary may, without the Concurrence of any other Judge thereof, hear and determine; and the said Advocates and Proctors, and also all Barristers, Attornies, and Solicitors entitled to practise in the Superior Courts at Westminster, shall be entitled to practise as Counsel, Solicitors, or Attornies respectively in the Court of Marriage and Divorce in all Cases of Petitions for the dissolving of a Marriage, subject to such Regulations as may be made by the said Court; and such Advocates and Barristers shall have the same relative Rank and Precedence which they now have in the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order.

Court of Marriage and Divorce to act on Principles of the Ecclesiastical Courts.

XVI. In all Suits and Proceedings other than Proceedings to dissolve any Marriage, the said Court shall proceed and act and give Relief on Principles and Rules which in the Opinion of the said Court shall be as nearly as may be conformable to the Principles and Rules on which the Ecclesiastical Courts have heretofore acted and given Relief, but subject to the Provisions herein contained and to the Rules and Orders under this Act.

Protection of Wife's Earnings when deserted by her Husband.

XVII. Where a Wife is deserted by her Husband, and that Desertion has continued without reasonable Excuse for One Year or upwards, and the Wife is maintaining herself by her own lawful Industry, it shall be lawful for the Wife to make Application to any Justice of the Peace, and show cause that she has Reason to fear that her Husband or her Husband's Creditors will interfere with her Earnings, and thereupon it shall be lawful for the Justice, if he shall think fit, upon hearing the Parties, to give to the Wife an Order in Writing, under his Hand, restraining the Husband or Creditor from interfering or attempting to interfere with the Wife's Earnings or Property in manner aforesaid; which Order shall be in force for Six Months from the Date thereof, unless sooner discharged or varied by an Order of Two or more Justices of the Peace in Petty Sessions, and while in force shall protect the Wife and her Earnings and Property aforesaid against all Actions, Suits, Executions, and Proceedings whatever brought or taken by or on behalf of the Husband or Creditor; and any such Wife shall be at liberty from Time to Time

Time to apply for a Renewal of such Order at the Expiration of the former Order; and any Person acting in wilful Disobedience to any such Order as aforesaid while in force shall be liable to a Fine not exceeding Twenty Pounds, and in default of Payment to Imprisonment for any Time not exceeding Two Months.

Protection of Wife's Property when deserted by her Husband.

XVIII. Any Wife, whether she has made any such Application as aforesaid to a Justice of the Peace or not, may present a Petition to the Court of Marriage and Divorce, praying for Protection and Relief with respect to her Property on the Ground that she has been deserted by her Husband, and that the Desertion has continued without reasonable Excuse for One Year or upwards; and the Court, on being satisfied with the Truth of the Allegations of the Petition, may, if it shall see fit, make an Order granting her such Protection and Relief as aforesaid; and, subject to any special Directions by any such Order given, the Wife shall, by virtue of such Order, be and be deemed to have been during the Continuance of her Husband's Desertion of her in the like Position in all respects with regard to Property and Contracts, and suing and being sued, as under the Provisions of this Act she would be in case of a Decree of Judicial Separation obtained on her Petition.

Judicial Separation by reason of Desertion of the Husband or Wife.

XIX. Any Husband or Wife may present a Petition to the said Court praying for a Judicial Separation on the Ground that he or she has been deserted by his or her Wife or Husband, as the Case may be, and that such Desertion has continued without reasonable Excuse for Two Years or upwards, and the Court, on being satisfied of the Truth of the Allegations of such Petition, may, if it shall see fit, decree such Judicial Separation accordingly, and in the Case of such an Application by a Wife may make any Order for Alimony which it may deem just.

Decree of Separation obtained during the Absence of Husband or Wife may be reversed.

XX. Any Husband or Wife, upon the Application of whose Wife or Husband, as the Case may be, a Decree of Judicial Separation has been pronounced, may, at any Time thereafter, present a Petition to the Court praying for a Reversal of such Decree on the Ground that it was obtained in his or her Absence, and that there was reasonable Ground for the alleged Desertion; and the Court may, on being satisfied of the Truth of the Allegations of such Petition, reverse the Decree accordingly; but the Reversal thereof shall not prejudice or affect the Rights or Remedies which any other Person would have had in case such Reversal had not been decreed, in respect of any Debts, Contracts, or Acts of the Wife incurred, entered into, or done between the Times of the Sentence of Separation and of the Reversal thereof.

Court may direct Payment of Alimony to Wife or Trustee.

XXI. In all Cases in which the said Court shall make any Decree or Order for Alimony, it may direct the same to be paid either to the Wife herself or to any Trustee on her Behalf to be approved by the Court, and may impose any Terms or Restrictions which to the said Court may seem expedient, and may from Time to Time appoint a new Trustee, if for any Reason it shall appear to the Court expedient so to do.

Wife divorced à Mensâ et Thoro to be considered as to Property a Feme Sole;

XXII. In every Case of a Judicial Separation the Wife shall, from the Date of the Sentence and whilst the Separation shall continue, be considered as a Feme Sole with respect to Property of every Description which she may acquire or which may come to or devolve upon her; and such Property may be disposed of by her in all respects as a Feme Sole, and on her Decease the same shall, in case she shall die intestate, go as the same would have gone if her Husband had been then dead; provided, that if any such Wife should again cohabit with her Husband, all such Property as she may be entitled to when such Cohabitation shall take place shall be held to her separate Use, subject, however, to any Agreement in Writing made between herself and her Husband whilst separate.

also, for Purposes of Contract and suing.

XXIII. In every Case of a Judicial Separation the Wife shall, whilst so separated, be considered as a Feme Sole for the Purposes of Contract and suing and being sued in any Civil Proceeding; and her Husband shall not be liable in respect of any Engagement or Contract she may have entered into, or for any Costs she may incur as Plaintiff or Defendant; provided, that where upon any such Judicial Separation Alimony has been decreed or ordered to be paid to the Wife, and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use; provided also, that nothing shall prevent the Wife from joining, at any Time during such Separation, in the Exercise of any joint Power given to herself and her Husband.

Where a Separation ceases the Fact may be registered.

XXIV. Where after a Judicial Separation the Husband and Wife again cohabit, they may cause to be lodged with the Registrar of the Court a Declaration that their Separation has ceased, and the Registrar shall cause all such Declarations to be forthwith entered in a Book to be kept by him for that Purpose, and which all Persons shall be at liberty to search on Payment of a Fee of One Shilling:

Until such Registration the Rights of Creditors, &c. saved.

and until such Declaration has been so lodged with the Registrar, every Creditor or other Person shall in respect of the Debts, Contracts, and Acts of the Wife have the same Rights and Remedies as against the Wife and her Property as if such Separation had continued.

XXV. It

On Adultery of Wife or Incest of Husband, Petition for Dissolution of Marriage may be presented.

XXV. It shall be lawful for any Husband to present a Petition to the said Court, praying that his Marriage may be dissolved, on the Ground that his Wife has since the Celebration thereof been guilty of Adultery; and it shall be lawful for any Wife to present a Petition to the said Court, praying that her Marriage may be dissolved, on the Ground that since the Celebration thereof her Husband has been guilty of incestuous Adultery, or of Bigamy, or of Adultery coupled with such Cruelty as without Adultery would have entitled her to a Divorce à Mensâ et Thoro, or of Adultery coupled with Desertion, without reasonable Excuse, for Two Years or upwards; and every such Petition shall state as distinctly as the Nature of the Case permits the Facts on which the Claim to have such Marriage dissolved is founded: Provided that for the Purposes of this Act incestuous Adultery shall be taken to mean Adultery committed by a Husband with a Woman with whom if his Wife were dead he could not lawfully contract Marriage by reason of her being within the prohibited Degrees of Consanguinity or Affinity.

Adulterer to be a Co-Respondent; Cause may be tried by a Jury.

XXVI. Upon any such Petition presented by a Husband the Petitioner shall make the alleged Adulterer a Co-Respondent to the said Petition, unless on special Grounds, to be allowed by the Court, he shall be excused from so doing; and the Respondents or either of them may insist on having the alleged Adultery tried by a Jury as herein-after mentioned.

Court to be satisfied of Absence of Collusion.

XXVII. Upon any such Petition for the Dissolution of a Marriage, it shall be the Duty of the Court to satisfy itself, so far as it reasonably can, not only as to the Facts alleged, but also whether or no the Petitioner has been in any Manner accessory to or conniving at the Adultery, or has condoned the same, and shall also inquire into any Counter-charge which may be made against the Petitioner.

Dismissal of Petition.

XXVIII. In case the Court, on the Evidence in relation to any such Petition, shall not be satisfied that the alleged Adultery has been committed, or shall find that the Petitioner has during the Marriage been guilty of Adultery, or has been accessory to or conniving at the Adultery complained of, or has condoned the same, then and in any of the said Cases the Court shall dismiss the said Petition.

Decree dissolving Marriage.

XXIX. In case the Court shall be satisfied on the Evidence that the Case of the Petitioner has been proved, and shall not find that the Petitioner has committed Adultery during the Marriage, or has been in any Manner accessory to or conniving at the Adultery complained of, or has condoned the same, then the Court shall pronounce

a Decree declaring such Marriage to be dissolved: Provided always that the Court shall not be bound to pronounce such Decree if the Petitioner shall, in the Opinion of the Court, have been guilty of unreasonable Delay in presenting or prosecuting such Petition, or of Cruelty towards the other Party to the Marriage, or of having deserted the other Party before the Adultery complained of, and without reasonable Excuse.

Alimony.

XXX. The Court may, if it shall think fit, on any such Decree make it a Condition that the Husband shall to the Satisfaction of the Court secure to the Wife such gross Sum of Money, or such annual Sum of Money for any Term not exceeding her own Life, as, having regard to her Fortune (if any), to the Ability of the Husband, and to the Conduct of the Parties, it shall deem reasonable, and for that Purpose may refer it to any One of the Conveyancing Counsel of the Court of Chancery to settle and approve of a proper Deed or Instrument to be executed by the Petitioner and other necessary Parties; and the said Court may in such Case, if it shall see fit, suspend the pronouncing of its Decree until such Deed shall have been duly executed.

Penalty, and Payment of Costs.

XXXI. Whenever in any such Petition presented by a Husband the alleged Adulterer shall have been made a Co-Respondent, and the Adultery shall have been established, it shall be lawful for the Court to impose upon the Adulterer a Fine, and to order him to pay the whole or any Part of the Costs of the Proceedings.

Custody of Children.

XXXII. In any Suit or other Proceeding for obtaining a Judicial Separation, or a Decree of Nullity of Marriage, and on any Petition for dissolving a Marriage, the Court may, from Time to Time, before making its final Decree, make such Interim Orders, and may make such Provision in the final Decree, as it may deem just and proper with respect to the Custody, Maintenance, and Education of the Children the Marriage of whose Parents is the Subject of such Suit or other Proceeding, and may, if it shall think fit, direct proper Proceedings to be taken for placing such Children under the Protection of the Court of Chancery.

Questions of Fact may be tried before the Court.

XXXIII. In Questions of Fact arising in Proceedings under this Act, it shall be lawful for but, except as herein-before provided, not obligatory upon the Court to direct the Truth thereof to be determined before itself, or before any One or more of the Judges of the said Court, by the Verdict of a Special or Common Jury.

XXXIV. The

Where a Question is ordered to be tried a Jury may be summoned as in the Common Law Courts. C.L.P. Act, 1854, s. 59

XXXIV. The Court, or any Judge thereof, may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at Westminster, and may also make any other Orders which to such Court or Judge may seem requisite; and every such Jury shall consist of Persons possessing the like Qualifications, and shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities, as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause.

Challenge.

Question to be stated and Jury sworn to try it.

Judge on the Trial to have the same Authority as a Judge at Nisi Prius.

XXXV. When any such Question shall be so ordered to be tried such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court or Judge shall have the same Powers, Jurisdiction, and Authority as any Judge of any of the said Superior Courts sitting at Nisi Prius.

Bill of Exceptions, Special Verdict, and Special Case.

XXXVI. Upon the Trial of any such Question or of any Issue under this Act a Bill of Exceptions may be tendered, and a general or special Verdict or Verdicts, subject to a special Case, may be returned, in like Manner as in any Cause tried in any of the said Superior Courts; and every such Bill of Exceptions, special Verdict, and special Case respectively shall be stated, settled, and sealed in like Manner as in any Cause tried in any of the said Superior Courts, and where the Trial shall not have been had in the Court of Marriage and Divorce shall be returned into such Court without any Writ of Error or other Writ; and the Matter of Law in every such Bill of Exceptions, special Verdict, and special Case shall be heard and determined by the full Courts, subject to such Right of Appeal as is herein-after given in other Cases.

Court may direct Issues to try any Fact.

XXXVII. It shall be lawful for the Court to direct One or more Issue or Issues to be tried in any Court of Common Law, and either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in London or Middlesex, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

 XXXVIII. Every

Affidavit in support of a Petition.

XXXVIII. Every Person seeking a Decree of Nullity of Marriage, or a Decree of Judicial Separation, or a Dissolution of Marriage, shall, together with the Petition or other Application for the same, file an Affidavit verifying the same so far as he or she is able to do so, and stating that there is not any Collusion or Connivance between the Deponent and the other Party to the Marriage.

Service of Petition.

XXXIX. Every such Petition shall be served on the Party to be affected thereby, either within or without Her Majesty's Dominions, in such Manner as the Court shall by any General or Special Order from Time to Time direct: Provided always, that the said Court may dispense with such Service altogether in case it shall seem necessary or expedient so to do.

Examination of Petitioner.

XL. The Court may, if it shall think fit, order the Attendance of the Petitioner, and may examine him or her, or permit him or her to be examined or cross-examined on Oath on the Hearing of any Petition, but no such Petitioner shall be bound to answer any Question tending to show that he or she has been guilty of Adultery.

Adjournment.

XLI. The Court may from Time to Time adjourn the Hearing of any such Petition, and may require further Evidence thereon, if it shall see fit so to do.

Court may order Settlement of Property for Benefit of innocent Party and Children of dissolved Marriage.

XLII. In any Case in which the Court of Marriage and Divorce shall pronounce a Sentence of Divorce for Adultery, if it shall be made appear to the Court that the divorced Wife is entitled to any Property either in possession or reversion, it shall be lawful for the Court, if it shall think proper, to order such Settlement as it shall think reasonable to be made of such Property, or any Part thereof, for the Benefit of the innocent Party, and of the Children of the dissolved Marriage, or either or any of them.

Mode of taking Evidence.

XLIII. Subject to such Rules and Regulations as may be established as herein provided, the Witnesses in all Proceedings before the Court of Marriage and Divorce, where their Attendance can be had, shall be sworn and examined orally in open Court: Provided that Parties shall be at liberty to verify their respective Cases in whole or in part by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party or by Direction of the Court, be subject to be cross-examined by or on behalf of the opposite Party orally in open Court, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

XLIV. Pro-

Court may issue Commissions or give Orders for Examination of Witnesses abroad or unable to attend.

XLIV. Provided that where a Witness is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the Examination of such Witness on Oath upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at Westminster by the Acts of the Thirteenth Year of King George the Third, Chapter Sixty-three, and of the First Year of King William the Fourth, Chapter Twenty-two, for enabling the Courts of Law at Westminster to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination, and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination and the Witnesses examined, shall extend and be applicable to the Court of Marriage and Divorce and to the Examination of Witnesses under the Commissions and Orders of the said Court and to the Witnesses examined, as if such Court were One of the Courts of Law at Westminster and the Matter before it were an Action pending in such Court.

Rules of Evidence in Common Law Courts to be observed.

XLV. The Rules of Evidence observed in the Superior Courts of Common Law at Westminster shall be applicable to and observed in the Trial of all Questions of Fact in the Court of Marriage and Divorce.

Attendance of Witnesses on the Court.

XLVI. The Court may, under its Seal, issue Writs of Subpœna or Subpœna duces tecum, commanding the Attendance of Witnesses at such Time and Place as shall be therein expressed; and such Writs may be served in any Part of Great Britain or Ireland; and every Person served with such Writ shall be bound to attend, and to be sworn and give Evidence in obedience thereto, in the same Manner as if it had been a Writ of Subpœna or Subpœna duces tecum issued from any of the said Superior Courts of Common Law in a Cause pending therein, and served in Great Britain or Ireland, as the Case may be: Provided that any Petitioner required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness or desiring to make an Affidavit or Deposition would be permitted so to do

under the "Common Law Procedure Act, 1854," in Cases within the Provisions of that Act.

Penalties for false Evidence.

XLVII. All Persons wilfully deposing or affirming falsely in any Proceeding before the Court of Marriage and Divorce shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attached thereto.

Costs.

XLVIII. The Court on the Hearing of any Suit, Proceeding, or Petition under this Act, and the House of Lords on the Hearing of any Appeal under this Act, may make such Order as to Costs as to such Court or House respectively may seem just: Provided always, that there shall be no Appeal on the Subject of Costs only.

Enforcement of Orders and Decrees.

XLIX. All Decrees and Orders to be made by the said Court in any Suit, Proceeding, or Petition to be instituted under Authority of this Act shall be enforced and put in execution in the same or the like Manner as the Judgments, Orders, and Decrees of the High Court of Chancery may be now enforced and put in execution.

Power to make Rules and Orders for Procedure.

L. The Court shall make such Rules and Regulations concerning the Practice and Procedure under this Act as it may from Time to Time consider expedient, and shall have full Power from Time to Time to revoke or alter the same; but until any such Rules and Regulations are made, and subject to the same when made, the Practice and Procedure, so far as is practicable, shall be the same as that now used in the Court of Arches.

Fees to be regulated.

The Court shall have full Power to fix and regulate from Time to Time the Fees payable upon all Proceedings before it, all which Fees shall be received, paid, and applied as herein directed: Provided always, that the said Court may make such Rules and Regulations as it may deem necessary and expedient for enabling Persons to sue in the said Court in formâ pauperis.

Appeal from the Judge Ordinary to the full Court.

LI. Either Party dissatisfied with any Decision of the Court in any Matter which, according to the Provisions aforesaid, may be made by the Judge Ordinary alone, may, within Three Calendar Months after the pronouncing thereof, appeal therefrom to the full Court, whose Decision shall be final.

Appeal to the House of Lords in case of

LII. Either Party dissatisfied with the Decision of the full Court on any Petition for the Dissolution of a Marriage may, within Three Months after the pronouncing thereof, appeal therefrom to the

the House of Lords if Parliament be then sitting, or if Parliament be not sitting at the End of such Three Months, then within Fourteen Days next after its meeting; but no such Appeal to the House of Lords shall be had on any Matter except on a Question of Law to be stated in a Case to be prepared by the Party appealing and approved of by the said Court, and on the Hearing of any such Appeal the House of Lords may either dismiss the Appeal or reverse the Decree, or remit the Case to the Court to be dealt with in all respects as the House of Lords shall direct. Petition for Dissolution of a Marriage.

LIII. When the Time hereby limited for appealing against any Decree dissolving a Marriage shall have expired, and no Appeal shall have been presented against such Decree, or when any such Appeal shall have been dismissed, or when in the Result of any Appeal any Marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the respective Parties thereto to marry again, as if the prior Marriage had been dissolved by Death. Liberty to Parties to marry again.

LIV. After this Act shall have come into operation no Action shall be maintainable for Criminal Conversation. No Action for Criminal Conversation.

None of the Fees payable upon Proceedings before the Court of Marriage and Divorce, except as herein-after mentioned, shall be received in Money, but the same shall be received by a Stamp denoting the Amount of the Fee which otherwise would be payable: Provided always, that the Court may order any Fees which cannot in its Opinion conveniently be collected by Stamps to be received in Money. Fees to be paid by Stamps, except where otherwise ordered.

All the Provisions of an Act passed in the Session holden in the Fifteenth and Sixteenth Years of Her present Majesty, "for "the Relief of Suitors of the High Court of Chancery," Chapter Eighty-seven, and of any Act or Acts incorporated therewith, so far as respects the Collection of Fees by means of Stamps, shall extend and apply to the Fees to be received under this Act, save only that the Commissioners of Inland Revenue shall cause separate and distinct Accounts to be kept of all Sums of Money received or collected by them under this Act, and of all Costs, Charges, and Expenses incurred by them or by their Direction in carrying the same into effect; and the said Commissioners may pay and deduct and retain out of such Moneys all such Costs, Charges, and Expenses, and also deduct all Sums of Money repaid on Allowance for spoilt Stamps; and after such Deduction they shall from Time to Time, and in such Manner as the Court of Marriage and Divorce shall by Rules under this Act direct, pay the same into the Bank of England, to the Credit of an Account there Produce of Fees and Stamps to be paid to a Fee Fund Account.

to be opened in the Names of , and to be entitled "The Fee Fund Account of the Court of Marriage and Divorce;" and such of the Fees payable upon Proceedings before the Court of Divorce as the Court shall direct to be received in Money shall, at such Times and in such Manner as the Court shall direct, be paid into the Bank of England to the Credit of the same Account.

Payment of Salaries, &c.

The Compensations under this Act shall grow due from Day to Day, but shall be payable on the Third Day of February, the Third Day of May, the Third Day of August, and the Third Day of November in every Year, or on such other Days as the Court shall from Time to Time by any Order direct, and such Compensations, and other Remunerations under this Act, shall be paid to the Parties entitled thereto, out of the Fund standing in the Names aforesaid, entitled "The Fee Fund Account of the Court of Marriage and Divorce," under any Order to be made from Time to Time for that Purpose.

Drafts on Fee Fund.

Every Draft or Order on the Bank of England for the Payment of Money out of the "Fee Fund Account of the Court of Marriage and Divorce" shall be signed by the Registrars of the Court of Probate for the Time being, or any Two of them; and all Drafts and Orders so signed, but not otherwise, shall be a sufficient Authority to the Bank to pay the Amount thereof to the Persons named therein, or to the Bearers of them.

Power to Lord Chancellor to order Surplus of Fee Fund to be paid into the Exchequer.

Deficiency to be paid out of Consolidated Fund.

If at the End of any Year there shall be a Surplus standing to the Credit of the said "Fee Fund Account," after the Payment of the several Salaries and Sums of Money charged thereon by this Act, the Lord Chancellor may, by any Order, direct that the whole or any Part of such Surplus shall be paid into the Receipt of the Exchequer, and be carried to and form Part of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such Time and in such Manner as he shall think fit; and in the event of the said Fee Fund being at any Time insufficient to defray the Salaries, Compensations, and other Charges thereon, the Commissioners of Her Majesty's Treasury shall direct the Amount of such Deficiency to be issued and paid out of the said Consolidated Fund.

Letters Patent, Records, &c. to be transmitted from all Ecclesiastical Courts.

LV. Any One of Her Majesty's Principal Secretaries of State may order every Judge, Registrar, or other Officer of any Ecclesiastical Court in England or the Isle of Man, or any other Person having the public Custody of or Control over any Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Books, Documents, or

or other Instrument relating to Marriages, or to Suits for Divorce, Nullity of Marriage, Restitution of Conjugal Rights, or to any other Matters or Causes Matrimonial, except Marriage Licences, to transmit the same, at such Times and in such Manner, to such Places in London or Westminster, and under such Regulations, as the said Secretary of State may appoint; and if any Judge, Registrar, Officer, or other Person shall wilfully disobey such Order he shall for the First Offence forfeit the Sum of One hundred Pounds, to be recoverable by any Registrar of the Court of Probate as a Debt under this Act, in any of the Superior Courts at Westminster, and for the Second and subsequent Offences the Judge Ordinary may commit the Person so offending to Prison for any Period not exceeding Three Calendar Months, provided that the Warrant of Committal be countersigned by One of Her Majesty's Principal Secretaries of State, and the said Persons so offending shall forfeit all Claim to Compensation under this Act.

Rules to be laid before Parliament.

LVI. All Rules and Regulations concerning Practice or Procedure, or fixing or regulating Fees, which may be made by the Court under this Act shall be laid before both Houses of Parliament within One Month after the making thereof if Parliament be then sitting, or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

Divorce and Matrimonial Causes.

A

B I L L

INTITULED

An Act to amend the Law relating to Divorce and Matrimonial Causes in England.

(*Brought from the Lords* 25 *June* 1857.)

Ordered, by The House of Commons, *to be Printed,* 25 *June* 1857.

[Bill 86.]

Under 2 oz.

A

BILL

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to Divorce and Matrimonial Causes in England.

WHEREAS it is expedient to amend the Law relating to Divorce, and to constitute a Court with exclusive Jurisdiction in Matters Matrimonial in England, and with Authority in certain Cases to decree the Dissolution of a Marriage: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

I. This Act shall come into operation on such Day, not sooner than the First Day of January One thousand eight hundred and fifty-eight, as Her Majesty shall by Order in Council appoint, provided that such Order be made One Month at least previously to the Day so to be appointed. Commencement of Act.

II. As soon as this Act shall come into operation, all Jurisdiction now exerciseable by any Ecclesiastical Court in England in respect of Divorces à Mensâ et Thoro, Suits of Nullity of Marriage, Suits of Jurisdiction in Matters Matrimonial now vested in Ecclesiastical Courts to cease.

of Jactitation of Marriage, Suits for Restitution of Conjugal Rights, and in all Causes, Suits, and Matters Matrimonial, shall cease to be so exerciseable, except so far as relates to the granting of Marriage Licences, which may be granted as if this Act had not been passed.

The Court may enforce prior Decrees or Orders.

III. Any Decree or Order of any Ecclesiastical Court of competent Jurisdiction which shall have been made before this Act comes into operation, in any Cause or Matter Matrimonial, may be enforced or otherwise dealt with by the Court of Marriage and Divorce hereinafter mentioned, in the same Way as if it had been originally made by the said Court under this Act.

Pending Suits.

IV. All Suits and Proceedings in Causes and Matters Matrimonial which at the Time when this Act comes into operation shall be pending in any Ecclesiastical Court in England shall be transferred to, dealt with, and decided by the said Court of Marriage and Divorce as if the same had been originally instituted in the said Court.

Power to Judges whose Jurisdiction is determined to deliver written Judgments.

V. Provided, That if at the Time when this Act comes into operation any Cause or Matter which would be transferred to the said Court of Marriage and Divorce under the Enactment herein-before contained shall have been heard before any Judge having Jurisdiction in relation to such Cause or Matter, and be then standing for Judgment, such Judge may at any Time within Six Weeks after the Time when this Act comes into operation give in to One of the Registrars attending the Court of Marriage and Divorce a written Judgment thereon signed by him; and a Decree or Order, as the Case may require, shall be drawn up in pursuance of such Judgment, and every such Decree or Order shall have the same Force and Effect as if it had been drawn up in pursuance of a Judgment of the Court of Marriage and Divorce on the Day on which the same was delivered to the Registrar, and shall be subject to Appeal under this Act.

Jurisdiction over Causes Matrimonial to be exercised by the Court for Divorce and Matrimonial Causes.

VI. As soon as this Act shall come into operation, all Jurisdiction now vested in or exerciseable by any Ecclesiastical Court or Person in England in respect of Divorces à Mensâ et Thoro, Suits of Nullity of Marriage, Suits for Restitution of Conjugal Rights, and in all Causes, Suits, and Matters Matrimonial, except in respect of Marriage Licences, shall belong to and be vested in Her Majesty, and such Jurisdiction, together with the Jurisdiction conferred by this Act, shall be exercised in the Name of Her Majesty in a Court of Record to be called "The Court for Divorce and Matrimonial Causes."

VII. No

Where Decree for Divorce à Mensâ et Thoro might now be pronounced, a Judicial Separation to be substituted.

VII. No Decree shall hereafter be made for a Divorce à Mensâ et Thoro, but in all Cases in which a Decree for a Divorce à Mensâ et Thoro might now be pronounced the Court may pronounce a Decree for a Judicial Separation, which shall have the same Force and the same Consequences as a Divorce à Mensâ et Thoro now has.

Judges of the Court.

VIII. The Lord Chancellor, the Lord Chief Justice of the Court of Queen's Bench, the Lord Chief Justice of the Court of Common Pleas, the Lord Chief Baron of the Court of Exchequer, and the Judge of Her Majesty's Court of Probate constituted by any Act of the present Session, shall be the Judges of the said Court.

Authority of the Judge Ordinary.

IX. The Judge of the Court of Probate shall be called the Judge Ordinary of the said Court, and shall have full Authority, either alone or with One or more of the other Judges of the said Court, to hear and determine all Matters arising therein, except Petitions for the dissolving of or annulling a Marriage, and Applications for new Trials of Questions or Issues before a Jury, Bills of Exception, Special Verdicts, and Special Cases, and, except as aforesaid, may exercise all the Powers and Authority of the said Court.

Petitions for Dissolution of a Marriage, &c. to be heard by Three Judges.

X. All Petitions, either for the Dissolution or for a Sentence of Nullity of a Marriage, and Applications for new Trials of Questions or Issues before a Jury, shall be heard and determined by Three or more Judges of the said Court, of whom the Judge of the Court of Probate shall be One.

Who to act as Judge during Absence of the Judge Ordinary.

XI. During the temporary Absence of the Judge Ordinary, the Lord Chancellor may by Writing under his Hand authorize the Master of the Rolls, the Judge of the Admiralty Court, or either of the Lords Justices or any Vice-Chancellor, or any Judge of the Superior Courts of Law at Westminster, to act as Judge Ordinary of the said Court for Divorce and Matrimonial Causes, and the Master of the Rolls, the Judge of the Admiralty Court, Lord Justice, Vice-Chancellor, or Judge of the Superior Courts, shall, when so acting, have and exercise all the Jurisdiction, Power, and Authority which might have been exercised by the Judge Ordinary.

Sittings of the Court.

XII. The Court for Divorce and Matrimonial Causes shall hold its Sittings at such Place or Places in London or Middlesex or elsewhere as Her Majesty in Council shall from Time to Time appoint.

Seal of the Court.

XIII. The Lord Chancellor shall direct a Seal to be made for the said Court, and may direct the same to be broken, altered, and

renewed, at his Discretion; and all Decrees and Orders, or Copies of Decrees or Orders, of the said Court, sealed with the said Seal, shall be received in Evidence.

Officers of the Court.

XIV. The Registrars and other Officers of the Principal Registry of the Court of Probate shall attend the Sittings of the Court for Divorce and Matrimonial Causes, and assist in the Proceedings thereof, as shall be directed by the Rules and Orders under this Act.

Clause A. Advocates, Barristers, &c. of Ecclesiastical and Superior Courts to practise in the Court.

XV. All Persons admitted to practise as Advocates or Proctors respectively in any Ecclesiastical Court in England, and all Barristers, Attornies, and Solicitors entitled to practise in the Superior Courts at Westminster, shall be entitled to practise in the Court of Divorce and Matrimonial Causes; and such Advocates and Barristers shall have the same relative Rank and Precedence which they now have in the Judicial Committee of the Privy Council, unless and until Her Majesty shall otherwise order.

Clause B. Sentence of Judicial Separation may be obtained by Husband or Wife for Adultery, &c.

XVI. A Sentence of Judicial Separation (which shall have the Effect of a Divorce à Mensâ et Thoro under the existing Law, and such other legal Effect as herein mentioned,) may be obtained, either by the Husband or the Wife, on the Ground of Adultery, or Cruelty, or Desertion without Cause for Two Years and upwards.

Clause C. Application for Judicial Separation may be made by Husband or Wife by Petition to Court, &c.

XVII. Application for Judicial Separation on any one of the Grounds aforesaid may be made by either Husband or Wife, by Petition to the Court, or to any Judge of the Courts of Common Law at the Assizes held for the County in which the Husband and Wife reside or last resided together, or to the Chairman or Assistant Chairman of Quarter Sessions of the Peace held for the County or District, or to the Recorder of any City or Borough in which the Husband and Wife are or were last resident; and such Judge of Assize, or any other Person named in the Commission of Assize or Nisi Prius for such County, and appointed by such Judge to hear such Petition, and such Chairman, Assistant Chairman, or Recorder, as the Case may be, are hereby authorized and required to hear and determine such Petition, according to the Rules and Regulations which shall be made under the Authority of this Act; and the Court or Person to which such Petition is addressed, on being satisfied of the Truth of the Allegations therein contained, and that there is no legal Ground why the same should not be granted, may decree such Judicial Separation accordingly, and where the Application is by the Wife may make any Order for Alimony which shall be deemed just.

XVIII. Any

CLAUSE D. Orders may be reviewed.

XVIII. Any Order so entered as aforesaid may be reviewed, and either altered or reversed on Appeal to the Judge Ordinary of the Court, but such Appeal shall not stay the intermediate Execution of the Order, unless the Judge Ordinary shall so direct, who shall have Power, if such Appeal be dismissed or abandoned, to order the Appellant to pay to the other Party the full Costs incurred by reason of such Appeal.

CLAUSE E. Wife deserted by her Husband may apply to a Police Magistrate or Justices in Petty Sessions for Protection.

XIX. A Wife deserted by her Husband may at any Time after such Desertion, if resident within the Metropolitan District, apply to a Police Magistrate, or if resident in the Country to Justices in Petty Sessions, or in either Case to the Court, for an Order to protect any Money or Property she may acquire by her own lawful Industry, and Property which she may become possessed of, after such Desertion, against her Husband or his Creditors, or any Person claiming under him; and such Magistrate or Justices or Court, if satisfied of the Fact of such Desertion, and that the same was without reasonable Cause, and that the Wife is maintaining herself by her own Industry or Property, may make and give to the Wife an Order protecting her Earnings and Property acquired since the Commencement of such Desertion, from her Husband and all Creditors and Persons claiming under him, and such Earnings and Property shall belong to the Wife as if she were a Feme Sole: Provided always, that every such Order, if made by a Police Magistrate or Justices at Petty Sessions, shall, within Ten Days after the making thereof, be entered with the Registrar of the County Court within whose Jurisdiction the Wife is resident; and that it shall be lawful for the Husband, and any Creditor or other Person claiming under him, to apply to the Court, or to the Magistrate or Justices by whom such Order was made, for the Discharge thereof, if unduly obtained: Provided also, that if any Creditor of or Person claiming under the Husband shall seize or continue to hold any Property of the Wife after Notice of any such Order, he shall be liable, at the Suit of the Wife (which she is hereby empowered to bring), for a Sum equal to double the Value of the Property so seized or held after such Notice as aforesaid: If any such Order of Protection be made, the Wife shall during the Continuance thereof be and be deemed to have been, during such Desertion of her, in the like Position in all respects, with regard to Property and Contracts, and suing and being sued, as she would be under this Act if she obtained a Decree of Judicial Separation.

Court of Marriage and Divorce to act on Principles of the Eccle-

XX. In all Suits and Proceedings, other than Proceedings to dissolve any Marriage, the said Court shall proceed and act and give Relief on Principles and Rules which in the Opinion of the said Court shall be as nearly as may be conformable to the Principles

siastical Courts.

and Rules on which the Ecclesiastical Courts have heretofore acted and given Relief, but subject to the Provisions herein contained and to the Rules and Orders under this Act.

Decree of Separation obtained during the Absence of Husband or Wife may be reversed.

XXI. Any Husband or Wife, upon the Application of whose Wife or Husband, as the Case may be, a Decree of Judicial Separation has been pronounced, may, at any Time thereafter, present a Petition to the Court praying for a Reversal of such Decree on the Ground that it was obtained in his or her Absence, and that there was reasonable Ground for the alleged Desertion; and the Court may, on being satisfied of the Truth of the Allegations of such Petition, reverse the Decree accordingly; but the Reversal thereof shall not prejudice or affect the Rights or Remedies which any other Person would have had in case such Reversal had not been decreed, in respect of any Debts, Contracts, or Acts of the Wife incurred, entered into, or done between the Times of the Sentence of Separation and of the Reversal thereof.

Court may direct Payment of Alimony to Wife or Trustee.

XXII. In all Cases in which the Court shall make any Decree or Order for Alimony, it may direct the same to be paid either to the Wife herself or to any Trustee on her Behalf to be approved by the Court, and may impose any Terms or Restrictions which to the Court may seem expedient, and may from Time to Time appoint a new Trustee, if for any Reason it shall appear to the Court expedient so to do.

Wife divorced à Mensâ et Thoro to be considered as to Property a Feme Sole;

XXIII. In every Case of a Judicial Separation the Wife shall, from the Date of the Sentence and whilst the Separation shall continue, be considered as a Feme Sole with respect to Property of every Description which she may acquire or which may come to or devolve upon her; and such Property may be disposed of by her in all respects as a Feme Sole, and on her Decease the same shall, in case she shall die intestate, go as the same would have gone if her Husband had been then dead; provided, that if any such Wife should again cohabit with her Husband, all such Property as she may be entitled to when such Cohabitation shall take place shall be held to her separate Use, subject, however, to any Agreement in Writing made between herself and her Husband whilst separate.

also, for Purposes of Contract and suing.

XXIV. In every Case of a Judicial Separation the Wife shall, whilst so separated, be considered as a Feme Sole for the Purposes of Contract and suing and being sued in any Civil Proceeding; and her Husband shall not be liable in respect of any Engagement or Contract she may have entered into, or for any Costs she may incur

incur as Plaintiff or Defendant; provided, that where upon any such Judicial Separation Alimony has been decreed or ordered to be paid to the Wife, and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use; provided also, that nothing shall prevent the Wife from joining, at any Time during such Separation, in the Exercise of any joint Power given to herself and her Husband.

On Adultery of Wife or Incest of Husband, Petition for Dissolution of Marriage may be presented.

XXV. It shall be lawful for any Husband to present a Petition to the said Court, praying that his Marriage may be dissolved, on the Ground that his Wife has since the Celebration thereof been guilty of Adultery; and it shall be lawful for any Wife to present a Petition to the said Court, praying that her Marriage may be dissolved, on the Ground that since the Celebration thereof her Husband has been guilty of incestuous Adultery, or of Adultery committed in the conjugal Residence, or of Bigamy with Adultery, or of Rape, or of Sodomy or Bestiality, or of Adultery coupled with such Cruelty as without Adultery would have entitled her to a Divorce à Mensâ et Thoro, or of Adultery coupled with Desertion, without reasonable Excuse, for Two Years or upwards; and every such Petition shall state as distinctly as the Nature of the Case permits the Facts on which the Claim to have such Marriage dissolved is founded: Provided that for the Purposes of this Act incestuous Adultery shall be taken to mean Adultery committed by a Husband with a Woman with whom if his Wife were dead he could not lawfully contract Marriage by reason of her being within the prohibited Degrees of Consanguinity or Affinity.

Adulterer to be a Co-Respondent; Cause may be tried by a Jury.

XXVI. Upon any such Petition presented by a Husband the Petitioner shall make the alleged Adulterer a Co-Respondent to the said Petition, unless on special Grounds, to be allowed by the Court, he shall be excused from so doing; and on every Petition presented by a Wife for Dissolution of Marriage the Court, if it see fit, may direct that the Person with whom the Husband is alleged to have committed Adultery be made a Respondent; and the Parties or either of them may insist on having the contested Matters of Fact tried by a Jury as herein-after mentioned.

Court to be satisfied of Absence of Collusion.

XXVII. Upon any such Petition for the Dissolution of Marriage, it shall be the Duty of the Court to satisfy itself, so far as it reasonably can, not only as to the Facts alleged, but also whether or no the Petitioner has been in any Manner accessory to or conniving at the Adultery, or has condoned the same, and shall also inquire into any Counter-charge which may be made against the Petitioner.

Dismissal of Petition.

XXVIII. In case the Court, on the Evidence in relation to any such Petition, shall not be satisfied that the alleged Adultery has been committed, or shall find that the Petitioner has during the Marriage been accessory to or conniving at the Adultery of the other Party to the Marriage, or has condoned the Adultery complained of, or that the Petition is presented or prosecuted in collusion with either of the Respondents, then and in any of the said Cases the Court shall dismiss the said Petition.

Decree dissolving Marriage.

XXIX. In case the Court shall be satisfied on the Evidence that the Case of the Petitioner has been proved, and shall not find that the Petitioner has been in any Manner accessory to or conniving at the Adultery of the other Party to the Marriage, or has condoned the Adultery complained of, or that the Petition is presented or prosecuted in collusion with either of the Respondents, then the Court shall pronounce a Decree declaring such Marriage to be dissolved: Provided always, that the Court shall not be bound to pronounce such Decree if it shall find that the Petitioner has during the Marriage been guilty of Adultery, or if the Petitioner shall, in the Opinion of the Court, have been guilty of unreasonable Delay in presenting or prosecuting such Petition, or of Cruelty towards the other Party to the Marriage, or of having deserted or wilfully separated himself or herself from the other Party before the Adultery complained of, and without reasonable Excuse, or of such wilful Neglect or Misconduct as has conduced to the Adultery.

Alimony.

XXX. The Court may, if it shall think fit, on any such Decree order that the Husband shall to the Satisfaction of the Court secure to the Wife such gross Sum of Money, or such annual Sum of Money for any Term not exceeding her own Life, as, having regard to her Fortune (if any), to the Ability of the Husband, and to the Conduct of the Parties, it shall deem reasonable, and for that Purpose may refer it to any One of the Conveyancing Counsel of the Court of Chancery to settle and approve of a proper Deed or Instrument to be executed by all necessary Parties; and the said Court may in such Case, if it shall see fit, suspend the pronouncing of its Decree until such Deed shall have been duly executed.

Clause F. Husband may claim Damages from Adulterers.

XXXI. Any Husband may, either in a Petition for Dissolution of Marriage or for Judicial Separation, or in a Petition limited to such Object only, claim Damages from any Person on the Ground of his having committed Adultery with the Wife of such Petitioner, and such Petition shall be served on the alleged Adulterer and the Wife, unless the Court shall dispense with such Service, or direct some other Service to be substituted; and the Claim made by every such Petition

Petition shall be heard and tried on the same Principles, in the same Manner, and subject to the same or the like Rules and Regulations as Actions for Criminal Conversation are now tried and decided in Courts of Common Law; and all the Enactments herein contained with reference to the Hearing and Decision of Petitions to the Court shall, so far as may be necessary, be deemed applicable to the Hearing and Decision of Petitions presented under this Enactment; and the Damages to be recovered on any such Petition shall in all Cases be ascertained by the Verdict of a Jury, although the Respondents, or either of them, may not appear; and after the Verdict has been given the Court shall have Power to direct in what Manner such Damages shall be paid or applied, and to direct that the whole or any Part thereof shall be settled for the Benefit of the Children (if any) of the Marriage, or as a Provision for the Maintenance of the Wife.

Penalty, and Payment of Costs.

XXXII. Whenever in any such Petition presented by a Husband the alleged Adulterer shall have been made a Co-Respondent, and the Adultery shall have been established, it shall be lawful for the Court to order the Adulterer to pay the whole or any Part of the Costs of the Proceedings.

Custody of Children.

XXXIII. In any Suit or other Proceeding for obtaining a Judicial Separation, or a Decree of Nullity of Marriage, and on any Petition for dissolving a Marriage, the Court may, from Time to Time, before making its final Decree, make such Interim Orders, and may make such Provision in the final Decree, as it may deem just and proper with respect to the Custody, Maintenance, and Education of the Children the Marriage of whose Parents is the Subject of such Suit or other Proceeding, and may, if it shall think fit, direct proper Proceedings to be taken for placing such Children under the Protection of the Court of Chancery.

Questions of Fact may be tried before the Court.

XXXIV. In Questions of Fact arising in Proceedings under this Act, it shall be lawful for, but, except as herein-before provided, not obligatory upon, the Court to direct the Truth thereof to be determined before itself, or before any One or more of the Judges of the said Court, by the Verdict of a Special or Common Jury.

Where a Question is ordered to be tried a Jury may be summoned as in the Common Law Courts. C.L.P. Act, 1854, s. 59.

XXXV. The Court, or any Judge thereof, may make all such Rules and Orders upon the Sheriff or any other Person for procuring the Attendance of a Special or Common Jury for the Trial of such Question as may now be made by any of the Superior Courts of Common Law at Westminster, and may also make any other Orders which to such Court or Judge may seem requisite; and every such Jury shall consist of Persons possessing the like Qualifications, and shall

shall be struck, summoned, balloted for, and called in like Manner, as if such Jury were a Jury for the Trial of any Cause in any of the said Superior Courts; and every Juryman so summoned shall be entitled to the same Rights, and subject to the same Duties and Liabilities, as if he had been duly summoned for the Trial of any such Cause in any of the said Superior Courts; and every Party to any such Proceeding shall be entitled to the same Rights as to Challenge and otherwise as if he were a Party to any such Cause.

Challenge.

Question to be stated and Jury sworn to try it. Judge on the Trial to have the same Authority as a Judge at Nisi Prius.

XXXVI. When any such Question shall be so ordered to be tried such Question shall be reduced into Writing in such Form as the Court shall direct, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the Evidence; and upon every such Trial the Court or Judge shall have the same Powers, Jurisdiction, and Authority as any Judge of any of the said Superior Courts sitting at Nisi Prius.

Bill of Exceptions, Special Verdict, and Special Case.

XXXVII. Upon the Trial of any such Question or of any Issue under this Act a Bill of Exceptions may be tendered, and a General or Special Verdict or Verdicts, subject to a Special Case, may be returned, in like Manner as in any Cause tried in any of the said Superior Courts; and every such Bill of Exceptions, Special Verdict, and Special Case respectively shall be stated, settled, and sealed in like Manner as in any Cause tried in any of the said Superior Courts, and where the Trial shall not have been had in the Court of Marriage and Divorce shall be returned into such Court without any Writ of Error or other Writ; and the Matter of Law in every such Bill of Exceptions, Special Verdict, and Special Case shall be heard and determined by the full Courts, subject to such Right of Appeal as is herein-after given in other Cases.

Court may direct Issues to try any Fact.

XXXVIII. It shall be lawful for the Court to direct One or more Issue or Issues to be tried in any Court of Common Law, and either before a Judge of Assize in any County or at the Sittings for the Trial of Causes in London or Middlesex, and either by a Special or Common Jury, in like Manner as is now done by the Court of Chancery.

Affidavit in support of a Petition.

XXXIX. Every Person seeking a Decree of Nullity of Marriage, or a Decree of Judicial Separation, or a Dissolution of Marriage, or Jactitation of Marriage, shall, together with the Petition or other Application for the same, file an Affidavit verifying the same so far as he or she is able to do so, and stating that there is not any Collusion or Connivance between the Deponent and the other Party to the Marriage.

XL. Every

Service of Petition.

XL. Every such Petition shall be served on the Party to be affected thereby, either within or without Her Majesty's Dominions, in such Manner as the Court shall by any General or Special Order from Time to Time direct; and for that Purpose the Court shall have all the Powers conferred by any Statute on the Court of Chancery: Provided always, that the said Court may dispense with such Service altogether in case it shall seem necessary or expedient so to do.

Examination of Petitioner.

XLI. The Court may, if it shall think fit, order the Attendance of the Petitioner, and may examine him or her, or permit him or her to be examined or cross-examined on Oath on the Hearing of any Petition, but no such Petitioner shall be bound to answer any Question tending to show that he or she has been guilty of Adultery.

Adjournment.

XLII. The Court may from Time to Time adjourn the Hearing of any such Petition, and may require further Evidence thereon, if it shall see fit so to do.

Court may order Settlement of Property for Benefit of innocent Party and Children of dissolved Marriage.

XLIII. In any Case in which the Court shall pronounce a Sentence of Divorce or Judicial Separation, if it shall be made appear to the Court that the Wife is entitled to any Property either in possession or reversion, it shall be lawful for the Court, if it shall think proper, to order such Settlement as it shall think reasonable to be made of such Property, or any Part thereof, for the Benefit of the innocent Party, and of the Children of the Marriage, or either or any of them.

Mode of taking Evidence.

XLIV. Subject to such Rules and Regulations as may be established as herein provided, the Witnesses in all Proceedings before the Court, where their Attendance can be had, shall be sworn and examined orally in open Court: Provided that Parties, except as herein-before provided, shall be at liberty to verify their respective Cases in whole or in part by Affidavit, but so that the Deponent in every such Affidavit shall, on the Application of the opposite Party or by Direction of the Court, be subject to be cross-examined by or on behalf of the opposite Party orally in open Court, and after such Cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the Party by whom such Affidavit was filed.

Court may issue Commissions or give Orders for Examination of

XLV. Provided, That where a Witness is out of the Jurisdiction of the Court, or where, by reason of his Illness or otherwise, the Court shall not think fit to enforce the Attendance of the Witness in open Court, it shall be lawful for the Court to order a Com-

Witnesses abroad or unable to attend.

a Commission to issue for the Examination of such Witness on Oath, upon Interrogatories or otherwise, or if the Witness be within the Jurisdiction of the Court to order the Examination of such Witness on Oath, upon Interrogatories or otherwise, before any Officer of the said Court, or other Person to be named in such Order for the Purpose; and all the Powers given to the Courts of Law at Westminster by the Acts of the Thirteenth Year of King George the Third, Chapter Sixty-three, and of the First Year of King William the Fourth, Chapter Twenty-two, for enabling the Courts of Law at Westminster to issue Commissions and give Orders for the Examination of Witnesses in Actions depending in such Courts, and to enforce such Examination; and all the Provisions of the said Acts, and of any other Acts for enforcing or otherwise applicable to such Examination and the Witnesses examined, shall extend and be applicable to the Court and to the Examination of Witnesses under the Commissions and Orders of the said Court, and to the Witnesses examined, as if such Court were One of the Courts of Law at Westminster, and the Matter before it were an Action pending in such Court.

Rules of Evidence in Common Law Courts to be observed.

XLVI. The Rules of Evidence observed in the Superior Courts of Common Law at Westminster shall be applicable to and observed in the Trial of all Questions of Fact in the Court.

Attendance of Witnesses on the Court.

XLVII. The Court may, under its Seal, issue Writs of Subpœna or Subpœna duces tecum, commanding the Attendance of Witnesses at such Time and Place as shall be therein expressed; and such Writs may be served in any Part of Great Britain or Ireland; and every Person served with such Writ shall be bound to attend, and to be sworn and give Evidence in obedience thereto, in the same Manner as if it had been a Writ of Subpœna or Subpœna duces tecum issued from any of the said Superior Courts of Common Law in a Cause pending therein, and served in Great Britain or Ireland, as the Case may be: Provided that any Petitioner required to be examined, or any Person called as a Witness or required or desiring to make an Affidavit or Deposition under or for the Purposes of this Act, shall be permitted to make his solemn Affirmation or Declaration instead of being sworn in the Circumstances and Manner in which a Person called as a Witness or desiring to make an Affidavit or Deposition would be permitted so to do under the "Common Law Procedure Act, 1854," in Cases within the Provisions of that Act.

Penalties for false Evidence.

XLVIII. All Persons wilfully deposing or affirming falsely in any Proceeding before the Court shall be deemed to be guilty of Perjury, and shall be liable to all the Pains and Penalties attached thereto.

XLIX. The

Costs.

XLIX. The Court on the Hearing of any Suit, Proceeding, or Petition under this Act, and the House of Lords on the Hearing of any Appeal under this Act, may make such Order as to Costs as to such Court or House respectively may seem just: Provided always, that there shall be no Appeal on the Subject of Costs only.

Enforcement of Orders and Decrees.

L. All Decrees and Orders to be made by the Court in any Suit, Proceeding, or Petition to be instituted under Authority of this Act shall be enforced and put in execution in the same or the like Manner as the Judgments, Orders, and Decrees of the High Court of Chancery may be now enforced and put in execution.

Power to make Rules and Orders for Procedure.

LI. The Court shall make such Rules and Regulations concerning the Practice and Procedure under this Act as it may from Time to Time consider expedient, and shall have full Power from Time to Time to revoke or alter the same.

Fees to be regulated.

LII. The Court shall have full Power to fix and regulate from Time to Time the Fees payable upon all Proceedings before it, all which Fees shall be received, paid, and applied as herein directed: Provided always, that the said Court may make such Rules and Regulations as it may deem necessary and expedient for enabling Persons to sue in the said Court in formâ pauperis.

Appeal from the Judge Ordinary to the full Court.

LIII. Either Party dissatisfied with any Decision of the Court in any Matter which, according to the Provisions aforesaid, may be made by the Judge Ordinary alone, may, within Three Calendar Months after the pronouncing thereof, appeal therefrom to the full Court, whose Decision shall be final.

Appeal to the House of Lords in case of Petition for Dissolution of a Marriage.

LIV. Either Party dissatisfied with the Decision of the full Court on any Petition for the Dissolution of a Marriage may, within Three Months after the pronouncing thereof, appeal therefrom to the House of Lords if Parliament be then sitting, or if Parliament be not sitting at the End of such Three Months, then within Fourteen Days next after its meeting; and on the Hearing of any such Appeal the House of Lords may either dismiss the Appeal or reverse the Decree, or remit the Case to the Court, to be dealt with in all respects as the House of Lords shall direct.

Liberty to Parties to marry again.

LV. When the Time hereby limited for appealing against any Decree dissolving a Marriage shall have expired, and no Appeal shall have been presented against such Decree, or when any such Appeal shall have been dismissed, or when in the Result of any Appeal any

Marriage shall be declared to be dissolved, but not sooner, it shall be lawful for the respective Parties thereto to marry again, as if the prior Marriage had been dissolved by Death: Provided always, that no Clergyman in Holy Orders of the United Church of England and Ireland shall be compelled to solemnize the Marriage of any Person whose former Marriage may have been dissolved on the Ground of his or her Adultery, or shall be liable to any Suit, Penalty, or Censure for solemnizing or refusing to solemnize the Marriage of any such Person.

Clause G. If Minister of any Church or Chapel refuses to perform Marriage Ceremony, any other Minister may perform such Service in such Church or Chapel.

LVI. Provided always, That when any Minister of any Church or Chapel of the United Church of England and Ireland shall refuse to perform such Marriage Service between any Persons who but for such Refusal would be entitled to have the same Service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said United Church, entitled to officiate within the Diocese in which such Church or Chapel is situate, to perform such Marriage Service in such Church or Chapel.

No Action for Criminal Conversation.

LVII. After this Act shall have come into operation no Action shall be maintainable for Criminal Conversation.

Clause H. Fees to be collected by Stamps.

LVIII. None of the Fees payable under this Act, except as herein expressly provided, shall be received in Money, but every such Fee shall be collected and received by a Stamp denoting the Amount of the Fee which would otherwise be payable; and the Fees to be so collected by Stamps shall be "Stamp Duties," and be under the Management of the Commissioners of Inland Revenue.

Clause I. Provisions concerning Stamps for the Court of Probate to be applicable to the Purposes of this Act.

LIX. The Provisions contained in or referred to by an Act of the present Session of Parliament, "to amend the Laws relating to Probates and Letters of Administration in England," and applicable to the Collection and Payment and Accounts of the Fees to be received thereunder by means of Stamps, and to such Stamps, and the Vellum, Parchment, or Paper on or to which the same shall be impressed or affixed, and in relation to Documents which ought to have Stamps impressed thereon or affixed thereto, and to the Punishment of Persons for such wrongful Acts as therein mentioned in relation to Stamps, or Fees or Sums of Money which ought to be collected by means of Stamps, shall be applicable to and for the Purposes of this Act, as if such Provisions as aforesaid had been contained or referred to in this Act with reference to the like Matters, and the Court under this Act had been mentioned, instead of the Court of Probate, or the Judge thereof, as the Case may be.

LX. It

CLAUSE K. Expenses of the Court to be paid out of Monies to be provided by Parliament.

LX. It shall be lawful for the Commissioners of Her Majesty's Treasury, out of such Monies as may be provided and appropriated by Parliament for the Purpose, to cause to be paid all necessary Expenses of the Court under this Act, and other Expenses which may be incurred in carrying the Provisions of this Act into effect, except as herein otherwise provided.

CLAUSE L. Stamp Duty on Admission of Proctors, and annual Certificates.

LXI. The same Amount of Stamp Duty as is now payable on the Admission of a Proctor to any Ecclesiastical Court shall be payable by every Person to be admitted as a Proctor in the Court of Divorce and Matrimonial Causes, or in the Court of Probate, who shall not have been previously admitted as a Proctor in the other of such Courts, or in an Ecclesiastical or Admiralty Court, and have paid the Stamp Duty in respect thereof; and every Person who shall practise as a Proctor or as a Solicitor or Attorney in the said Court of Divorce and Matrimonial Causes, or the said Court of Probate, shall obtain an annual Certificate to authorize him so to do, under the Stamp Duty Acts, in the same Manner as Proctors practising in the Ecclesiastical or Admiralty Courts, and Solicitors and Attornies practising in Her Majesty's Courts at Westminster, are now required to do by the said Acts or any of them, and shall be subject and liable to the same Penalties and Disabilities in case of any Neglect to obtain such Certificates as such Proctors, Attornies, and Solicitors are now subject and liable to for any similar Neglect, and as if the Clauses and Provisions of the said Acts in relation to such Certificates had been inserted in this Act, and specially enacted in reference to Proctors, Solicitors, and Attornies practising in the said Court of Divorce and Matrimonial Causes and Court of Probate, provided that One annual Certificate only shall be required for any one Person, although he may practise in more than One of the Capacities aforesaid, or in several of the Courts herein-before mentioned.

CLAUSE M. Compensation to Proctors.

LXII. Every Person who at the Time of the passing of this Act has been duly admitted and is practising as a Proctor in any Ecclesiastical Court in England shall, at the Expiration of Two Years from and after the Commencement of this Act, be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury; and the said Commissioners, by Examination of Evidence on Oath (which they are hereby empowered to administer), or otherwise, as they shall think fit, shall inquire into and ascertain the Loss, if any, of Professional Gains and Profits in respect of Suits relating to Marriage and Divorce sustained by such Proctors respectively, upon a Comparison in each Case of the average clear Gains of the Three Years immediately before the Commencement of this Act, arising from such last-mentioned Business, and the Average of the same

same Gains during the Two Years immediately succeeding the Commencement of this Act; and the said Commissioners shall in each Case, having regard to all the Circumstances, award a reasonable Compensation, by way of Annuity, to the Persons sustaining such Loss, during their Lives; but in no Case shall such Annuity exceed One Half of the annual Loss so ascertained as aforesaid; and such Annuities shall be paid out of Monies to be annually provided by Parliament for that Purpose, and the Persons receiving the same shall be subject to the Provisions contained in the Nineteenth Section of the Act of Fourth and Fifth William the Fourth, Chapter Twenty-four.

CLAUSE N.
Salary of Judge of Court of Probate, if appointed Judge of the Court of Divorce and Matrimonial Causes, to be 5,000*l.*

LXIII. In case the Judge of the Court of Probate established by any Act passed during the present Session shall be appointed Judge Ordinary of the Court for Divorce and Matrimonial Causes, the Salary of such Judge shall be the Sum of Five thousand Pounds per Annum; but such Judge, if afterwards appointed Judge of the Admiralty Court, shall not be entitled to any Increase of Salary.

Letters Patent, Records, &c. to be transmitted from all Ecclesiastical Courts.

LXIV. Any One of Her Majesty's Principal Secretaries of State may order every Judge, Registrar, or other Officer of any Ecclesiastical Court in England or the Isle of Man, or any other Person having the public Custody of or Control over any Letters Patent, Records, Deeds, Processes, Acts, Proceedings, Books, Documents, or other Instrument relating to Marriages, or to Suits for Divorce, Nullity of Marriage, Restitution of Conjugal Rights, or to any other Matters or Causes Matrimonial, except Marriage Licences, to transmit the same, at such Times and in such Manner, to such Places in London or Westminster, and under such Regulations, as the said Secretary of State may appoint; and if any Judge, Registrar, Officer, or other Person shall wilfully disobey such Order he shall for the First Offence forfeit the Sum of One hundred Pounds, to be recoverable by any Registrar of the Court of Probate as a Debt under this Act, in any of the Superior Courts at Westminster, and for the Second and subsequent Offences the Judge Ordinary may commit the Person so offending to Prison for any Period not exceeding Three Calendar Months, provided that the Warrant of Committal be countersigned by One of Her Majesty's Principal Secretaries of State, and the said Persons so offending shall forfeit all Claim to Compensation under this Act.

Rules to be laid before Parliament.

LXV. All Rules and Regulations concerning Practice or Procedure, or fixing or regulating Fees, which may be made by the Court under this Act, shall be laid before both Houses of Parliament within One Month after the making thereof, if Parliament be then sitting, or

or if Parliament be not then sitting, within One Month after the Commencement of the then next Session of Parliament.

CLAUSE O.
Yearly Account of Fees, &c. to be laid before Parliament.

LXVI. The Judge Ordinary of the Court of Divorce and Matrimonial Causes for the Time being shall cause to be prepared in each Year ending December Thirty-one a Return of all Fees and Monies levied in such Year on account of the Fee Fund of the Court of Divorce and Matrimonial Causes, and of any other Fund under the Authority of this Act; also, a Return of the annual Salaries of the said Judge Ordinary, and of all Persons holding Offices in the said Court, with all the incidental Expenses of the said Court, whether the Salaries and incidental Expenses aforesaid be defrayed out of Fees or out of any other Monies; also, a Return of all Superannuations, Pensions, Annuities, retiring Allowances, and Compensations made payable under this Act, in each Year, stating the gross Amount, and the Amount in detail, of such Charges: Provided always, that all such Returns as aforesaid shall be presented to both Houses of Parliament on or before the Thirty-first Day of March in each Year, if Parliament is then sitting, and if Parliament is not sitting, then such Returns shall be presented within One Month of the First Meeting of Parliament after the Thirty-first Day of March in each Year.

Divorce and Matrimonial Causes.

A

B I L L

[AS AMENDED IN COMMITTEE]

INTITULED

An Act to amend the Law relating to Divorce and Matrimonial Causes in England.

(*Brought from the Lords* 25 *June* 1857.)

Ordered, by The House of Commons, *to be Printed,* 19 *August* 1857.

[Bill 197.]

Under 3 *oz.*

A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in Dulwich in the County of Surrey, with certain Alterations.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the College of God's Gift in Dulwich in the County of Surrey, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall take effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble. 3d Report, 28th Feb. 1856.

I. The Scheme set out in the Schedule to this Act shall be established and take effect. Scheme confirmed.

SCHEDULE.

SCHEME for the Application and Management of the Charity called the COLLEGE OF GOD'S GIFT, in Dulwich, in the County of Surrey.

GENERAL PROVISIONS.

Present corporation dissolved.

1. The existing incorporation of the above-mentioned Charity, by the name of the College of God's Gift, in Dulwich, or by any other name, shall be dissolved; and the several offices and places of the master, warden, and fellows, brothers, and sisters of the said college shall be abolished from and after the 31st December 1857, and no new appointment shall be made to any office or place in or under the Charity according to its present constitution, after the establishment of this scheme.

Archbishop of Canterbury to continue visitor.

2. The Charity, as reconstituted by this scheme, shall be called "Alleyn's College of God's Gift, at Dulwich;" and the Archbishop of Canterbury, and his successors, shall continue to be the visitors of the Charity, with the same authorities, rights, and privileges, as heretofore, so far as the same shall not be inconsistent with this scheme.

Governors.

3. There shall be fifteen governors of the Charity, who shall be called "The Governors of Alleyn's College, at Dulwich," and who shall have the control and management of the Charity, and the estates and property thereof, from and after the said 31st day of December 1857. Four of such governors, hereinafter called "The Elective Governors," shall be elected; and the remaining eleven, or non-elective governors, shall be appointed as herein-after provided.

Elective governors.

4. The vestries of the parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell shall each elect one of the said four elective governors respectively; and the first election shall be made before the expiration of the month of November 1857. And every subsequent election shall be made by the vestry entitled to elect within three calendar months next after the occurrence of the vacancy requiring to be filled. Every elective governor shall be elected to hold office for a period of seven years, and shall be re-eligible at or subsequently to the determination of such period.

Non-elective governors.

5. The non-elective governors shall be appointed by the Court of Chancery, upon application to be made to the same Court by Her Majesty's Attorney General, either by petition, or by summons before one of the judges of the said Court sitting at chambers. And the first appointment of non-elective governors shall be made as soon as conveniently may be after the establishment of this scheme; and whenever the number of non-elective governors for the time being shall be reduced by the occurrence of vacancies to eight, three suitable persons shall be appointed by the said Court, upon such application as aforesaid, so as to make up the full number of eleven non-elective governors.

One of the non-elective governors to be appointed by the Court of Chancery shall be a resident inhabitant of the township or hamlet of Dulwich, and shall be

be distinguished in his appointment as the "Dulwich Governor." And upon any vacancy in the office of the "Dulwich Governor" for the time being, some other resident inhabitant of the same township or hamlet shall be appointed by the said court to succeed to such vacancy, whether the number of non-elective governors shall then have become reduced to eight or not; but nothing herein contained shall be construed as restraining the appointment of a larger number of non-elective governors from among residents in the said township or hamlet.

Vacancy in office of governor.

6. Death, resignation, bankruptcy, or insolvency, residence out of England, refusal or incapacity to act, or neglect to attend any meeting of the governors for one year, shall respectively create a vacancy in the office of governor. The office of the Dulwich Governor shall also determine upon his ceasing to be resident in Dulwich.

Charity estates to be vested in governors for the time being.

7. All the real estate, of whatsoever tenure, and rights and privileges vested in or held in trust for the said college, or any of the members thereof, as such (subject to the subsisting leases and charges, if any, thereof,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into, with, or reserved to the said college, or any person or persons in trust for the same college, and all the personal estate belonging to or held in trust for the said college, or any of the members thereof as such, and the right to sue for and recover all choses in action recoverable for the benefit of the college, or any such member as aforesaid; shall, from and after the said 31st day of December 1857, be vested in the said governors, and shall from time to time thereafter vest and continue vested in the governors of Alleyn's College at Dulwich for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said college before its dissolution, or to or with any preceding governors of the said Charity for the benefit thereof, shall be exerciseable by and in the names of the governors for the time being, as fully and effectually as the same right might be exercised by such college if not dissolved, or by such preceding governors, if still retaining their office; and in the same manner all contracts and liabilities of the said college before its dissolution, or of any preceding governors for the time being of the Charity, may be enforced against the governors thereof for the time being, to the extent of the property or assets of the Charity, but not against their private estates.

Execution of leases and other instruments.

8. Leases and other deeds and instruments for the letting or disposition of the Charity estate, or any part thereof, may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them, according to any order of the governors of the said Charity, made at any regular meeting of their body, and shall have the same effect as if executed by all the said governors; and the recital of any such order, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be primâ facie evidence thereof upon any proceedings to which the parties to the same lease or instrument, or their respective successors in title, representatives, or assigns, shall be parties or a party.

Stock committee.

9. The governors may from time to time appoint any four persons of their number to be a stock committee, into whose names all stock belonging to the Charity may from time to time be transferred, and the dividends

on all such stock shall be disposable by the governors for the time being as part of the general income of the Charity. All or any sums of stock belonging to the Charity may also be transferred into the name of "The Official Trustees of Charitable Funds," in trust for the Charity under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855."

Transfer of the administration of Charity and its funds to governors.

10. The Charity shall continue to be managed and administered by the present governing body of the college until the said 31st day of December 1857 inclusive, and the accounts of the Charity shall be made up and finally balanced to that day. And there shall be paid to the master, warden, fellows, and poor brethren and sisters of the college respectively out of the current year's income a due proportion of the several annual or other payments to which they are respectively entitled under the present system of administration, to be calculated from the then last preceding day of payment up to the said 31st day of December 1857. And any surplus or balance of income which shall remain to the credit of the Charity after providing for and satisfying such proportion of the said several annual payments, and the requisite or proper expenses attending the management and administration of the Charity up to that time, and all trust funds held by the college, or by any of its members as such, in trust for any other charitable purposes, shall be paid and transferred on that day unto the governors to be appointed as provided by this scheme, or as they may direct, according to and to be held upon the subsisting trusts thereof.

Allowances to present members of college.

11. There shall be paid by the governors to the present master, warden, fellows, and poor brethren and sisters of the college respectively, or to such of them as shall be living on the said 31st day of December 1857, during their respective lives, out of the income of the Charity, in lieu and full satisfaction of all present and future allowances, rights, and emoluments, the following annual sums; that is to say,—

To the master, the sum of	£1,015
To the warden	855
To the first and second fellows respectively	500
To the third and fourth fellows respectively	466
To each of the poor brethren and sisters	150

The said allowances or annual sums respectively shall commence from the said 31st day of December 1857, and shall be payable half-yearly, except the allowances to the poor brethren and sisters, which shall be paid monthly, or at such other periods as the governors may think fit, and shall be apportionable in cases of the death of any of the said recipients before or in the interval between any of the said half-yearly payments.

The allowance or annual sum payable to the warden shall, in the event of his surviving the master, be increased to 1,015*l.* from the day of the master's decease; but the whole of the said allowances or annual sums shall abate in proportion in case and so often as the clear income of the Charity, after paying and providing for all necessary or proper outgoings and expenses of management, as well as the several payments and expenses directed or authorized by this scheme for the benefit or maintenance of the present poor scholars, and the college grammar school, and the servants and others attached to the present establishment, shall in any year or years prove insufficient to pay the same allowances or annual sums in full.

12. Until

12. Until the appointment of a chaplain as herein-after provided, the present first and other fellows of the said college shall respectively continue as heretofore to perform or provide for the performance of divine service in the chapel of the college, or in some other building to be appointed by the governors for that purpose, and to discharge the other spiritual duties heretofore and of right discharged by them respectively; but, save as aforesaid, the said master, warden, and fellows respectively shall from and after the said 31st day of December 1857 be exonerated from all obligation of residence in the said college, or the performance of any duties with respect to the Charity, and from all restriction against their respective marriages.

Performance of divine service until appointment of chaplain.

13. Until the establishment of a school in which the existing poor scholars shall be received and instructed, as contemplated by this scheme, and subject to the provisions herein contained, such poor scholars shall receive and enjoy the same instruction, maintenance, and other benefits, and shall also be entitled to the same apprenticeships and exhibitions to be respectively provided and paid out of the general income of the Charity, as such scholars respectively would have been entitled to receive and enjoy if this scheme had not been established.

Present poor scholars to receive instruction and other benefits as heretofore.

14. Subject to the provisions of this scheme, and until the governors shall otherwise direct, the college grammar school may continue to be carried on as heretofore in the buildings hitherto used for such school; and the several stipends, allowances, and other payments which have been heretofore paid and allowed out of the income of the Charity for the purposes of such school may continue to be paid and allowed as heretofore; and upon the discontinuance of the said school the governors may, if they so think fit, pay to the master thereof, out of the general income of the Charity, such a reasonable gratuity or pension in consideration of his services as they may consider proper and expedient.

Provision as to college grammar school.

15. The servants and attendants now employed in the college, upon their respective services being dispensed with in consequence of the provisions of this scheme, may respectively have any reasonable pensions or gratuities paid to them by the governors out of the income of the Charity, in such manner and subject to such conditions as the said governors shall think fit.

Present servants and attendants may be pensioned.

16. All pensions and exhibitions, at present properly payable out of the income of the Charity shall continue to be paid to the present recipients thereof respectively during the tenure of their respective appointments, subject to the same rules and conditions as are now subsisting and applicable to the same respectively.

Present pensions and exhibitions to be continued.

17. There shall be at all times an officer of the Charity resident at Dulwich bearing the title of "Warden of Alleyn's College of God's Gift at Dulwich," and charged with the duties herein-after assigned to him; every such warden shall be elected by the governors at a special meeting of their body convened or constituted for that purpose, the first of such elections to be made within four calendar months next after the 1st day of January 1858, and every subsequent election to be made within two calendar months next after the occurrence of the vacancy of the office which shall have rendered such election necessary. Any governor of the Charity shall be capable of being elected to the office of warden, and of retaining both such offices, but he shall not during his tenure of the wardenship be capable of being also the permanent or deputy chairman of the governors.

Warden of the college and his election.

The warden to give security and to sign declaration.

18. Every warden, before entering upon the duties of his office, shall give such security as the governors shall reasonably require for the due performance of such duties, and shall also subscribe a declaration in the following form, or to the like effect, to be entered in the minute book of the governors; that is to say,

'I do declare that I will, to the best of my ability, discharge the duties of 'warden of Alleyn's College of God's Gift at Dulwich during my tenure of 'the office, according to the provisions of the scheme established by Parlia- 'ment for the regulation of that Charity; and that on my removal from that 'office, or upon any avoidance thereof, possession of my official residence, and 'of all books and property of the Charity which shall be in my possession 'may thereupon be immediately taken by the governors, or any person 'appointed by them, without further warrant of law.'

Duties of warden.

19. It shall be the duty of the warden, under the direction and subject to the control of the governors, to exercise a general superintendence over the Charity, and all estates and property belonging thereto, and over all officers and servants and others employed in the duties or for the purposes thereof, with the exception of the educational branch of the Charity, and to collect and receive the rents and profits and income of the Charity estates, to be forthwith paid by him to the bankers of the Charity, and to make such payments on account of the Charity with funds to be placed from time to time at his disposal for that purpose by the governors, as they shall direct, and also to attend all meetings of the governors, and by such sufficient reports, accounts, and other documents or means, as shall be required by them, or shall be proper for this purpose, to keep them fully informed of the condition and circumstances of the Charity, and its estates and property, and of all rents, income, or monies received on account thereof, or due thereto, and remaining in arrear, and of all payments made or due thereupon, and to carry or provide for the carrying of all orders of the governors into effect relating to the Charity or any branches thereof under his superintendence, and to perform all other duties of the like character which the governors shall from time to time require.

Residence and emoluments of warden.

20. The governors shall provide and keep in repair at the cost of the Charity a sufficient and fit residence for the warden, either in the college or as near thereto as conveniently may be in Dulwich, rent free, and shall pay all taxes, rates, and outgoings due in respect thereof, and the warden shall constantly occupy such residence and shall not be at liberty to let or part with the possession thereof or of any part thereof. The governors shall also allow and pay to the warden a salary at the rate of 500*l.* per annum, by equal quarterly portions in every year, to be computed from the time of his appointment, and if the duties of his office shall render the assistance of a clerk reasonably necessary to him, the governors shall further allow and pay to him the salary of any clerk employed by him for the purposes of such duties at such rate as to them shall seem fit.

Avoidance of the office or removal of warden.

21. Upon the bankruptcy or insolvency of any warden, as well as upon his death or resignation, or refusal or incapacity to act, or upon his ceasing to be resident at Dulwich, or upon his absenting himself therefrom, without the special permission of the governors, for the space of one calendar month or more continuously, or for any period exceeding altogether two calendar months in any year, his office shall become vacant, and he shall also be liable to be removed

removed by the governors present at any special meeting constituted for that purpose; provided that the governors by whose votes the resolution for such removal shall be made shall not be less than seven in number, or constitute less than two third parts in number of the governors present at such meeting; and provided also that the same notice of meeting which will be necessary to be given to the governors shall have been also given to the warden, or left for him at his official residence.

Appointment of clerk.

22. The governors may appoint a clerk, removable by them at their pleasure, for the purposes herein-after mentioned, and may pay to him, out of the income of the Charity, any reasonable stipend or allowance as a remuneration for his services.

Duties of clerk.

23. It shall be the duty of the clerk, subject to the control and direction of the governors, to give notices of and to attend all meetings of the governors or committees of the governors, to enter and keep minutes of the proceedings at all such meetings, to keep the accounts, and to pay the bills of the Charity, to prepare and make out such statements of account relating to the Charity as the governors shall from time to time require, or to discharge such of these duties as shall not from time to time be discharged by the warden, and to perform all such other duties appertaining to the office of clerk of the Charity as the governors shall reasonably direct.

General meetings.

24. There shall not be less than four meetings of the governors in every year, and such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively, or upon such other days, being respectively within thirty days next after the said quarterly days as shall have been appointed by the governors at any preceding meeting, and the said governors shall have power to appoint all such other meetings as they shall think necessary. All meetings shall be held at the college, and at the hour of noon, unless the governors shall fix some other convenient place in Dulwich, and some other convenient hour for holding the next or any other meeting. There shall also be a first general meeting of the governors, for the general purposes and business of the Charity, on the first day of January 1858.

Special meetings.

25. Any three or more governors may require the clerk to convene a special meeting of the governors for any special object to be mentioned in such requisition, and the clerk shall thereupon give notice to each governor of the holding of such meeting, specifying the time, place, and object thereof; and no business shall be transacted at any special meeting, which shall not be specified or sufficiently indicated in the notice.

Notice of meetings.

26. Notice shall be given by the clerk to every governor seven clear days at the least previously to a general meeting, and fourteen clear days at the least previously to a special meeting; and notice of every adjourned meeting, so far as the interval between the original and adjourned meetings will permit, shall be given in like manner immediately after the adjournment to all governors not present thereat, and every notice shall specify the place and the day and hour appointed for holding the meeting. All notices required to be given to any governor shall be in writing delivered to him, or sent by the post or otherwise to his usual place of residence.

Permanent chairman.

27. There shall be a permanent chairman of the governors, who, whenever present, shall preside as chairman at all meetings of the governors, and who

shall hold office until he shall cease to be a governor, or shall resign, or become warden of the said College, or be removed from being such chairman by a resolution passed at any special meeting of the governors to be convened for that purpose. The first permanent chairman shall be elected by the governors at their first meeting; and every subsequent permanent chairman shall be elected at some special meeting of the governors, to be held upon due notice after an interval of not less than twenty-eight days after the vacancy of the office.

Quorum of governors at meetings.

28. Five governors shall form a quorum at any meeting; and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, in case the permanent chairman shall be absent, or his office shall be vacant, the governors then present shall proceed to elect a deputy chairman, who, when so elected, shall preside as the chairman at such meeting.

Resolutions of the majority to be binding.

29. The resolutions and proceedings of a majority of the governors present at any meeting shall be binding on the whole body; and no resolution or proceeding shall be subsequently revoked or altered, except at a special meeting duly convened upon notice for that purpose. The chairman presiding at any meeting shall, in the event of an equality of votes, have in addition to his original vote a second or casting vote.

Adjournment of meetings.

30. If after the space of one hour from the time appointed for holding any meeting, a sufficient number of governors shall not be in attendance to form a quorum, the permanent chairman, or in his absence any governor then present, or the clerk if no governor be present, may adjourn the meeting to a subsequent day, not less than seven days distant. Any meeting may also be adjourned at any time by the chairman thereof upon a resolution for adjournment being adopted at such meeting.

Appointment of committees.

31. The governors may at any time appoint three or more of their body to be a committee for the purpose of making any inquiry or superintending, or performing any specific acts or duties which in their judgment may be more conveniently referred to or delegated to such committee. The acts and proceedings of every such committee shall be reported to the governors from time to time at their next meeting.

Minutes of proceedings.

32. The governors shall provide and keep minute books, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings thereat, and of all other transactions of the governors relating to the Charity. The minutes of the proceedings at each meeting shall be signed by the chairman of the meeting, and countersigned by the clerk.

Accounts.

33. The governors shall provide and cause to be kept proper account books, wherein shall be regularly entered and kept full accounts of all receipts and payments on behalf of the Charity, and such other particulars as the governors shall direct to be entered therein. All such accounts, and all accounts of the warden and clerk or other agents of the governors, shall be examined, vouched, and audited half-yearly at the first general meeting after Midsummer Day and Christmas Day in every year, or at some adjournment of such meetings respectively, by one or more auditors, to be appointed for that purpose by the governors, and shall be signed by the chairman and two at least of the other governors present at such meeting; and a statement or sufficient abstract of such accounts, together with a statement showing the number of the boys of each description at the respective schools, and the number of exhibitioners,

hibitioners, and the other recipients of the Charity, shall be printed and delivered annually to each governor, and to the vestry clerk of each of the said four parishes, and to such other persons as the governors shall think fit.

Bankers.

34. The governors shall from time to time appoint and employ bankers to the Charity, or for the purposes thereof; and all payments of money on account of the Charity shall be made, as far as practicable, by means of cheques or orders drawn on such bankers, to be signed at some meeting of the governors by the chairman thereof, and by one at least of the governors present thereat, and to be countersigned by the clerk.

Provision for payment of current expenses.

35. Such monies nevertheless as may from time to time be required for payment of the current expenses of the Charity, may be paid or advanced by the governors for that purpose to the warden or clerk or such other officer of the Charity, and in such manner as they may consider expedient; and every such officer shall render to the governors, or as they shall direct, full and exact accounts of all such monies received or expended by him.

Custody of documents.

36. The governors shall provide some suitable room or place of deposit in the college, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, with proper lists or schedules thereof; and the contents of such room or place shall be examined by or under the direction of the governors at least once in each year; and such room or place shall be kept locked, and the keys thereof shall be kept in such secure custody, and under such regulations, as the governors shall from time to time prescribe.

Library.

37. The governors shall make suitable provision for the preservation and custody of the library belonging to the college, and shall appropriate annually, out of the income of the Charity, any sum not exceeding 100*l.* for binding, and the purchase of books; and subject to the superior authority and directions of the governors, the master of the college shall have the immediate charge and management of the library, and may establish suitable regulations for access thereto, and for the use of the books by the masters and boys of either school herein-after mentioned, and the officers and members of the establishment, and other persons and generally for the management thereof.

The governors to provide a new church.

38. And whereas it appears by the statutes of the founder of the said college that he contemplated the performance of divine services and offices in the chapel thereof for the benefit of other persons besides the members of his foundation, and the instrument of consecration of the said chapel imported more particularly the benefit such services and offices would extend generally to the inhabitants of Dulwich, and accordingly accommodation has been afforded to such inhabitants in the said chapel, so far as its capacity has permitted, and a spiritual care has been exercised over them by the fellows of the said college: And whereas the said chapel will be very insufficient for the use of the recipients and others of or belonging to the establishment of the Charity to be reconstituted and largely extended by this scheme, and for any considerable proportion of the general inhabitants of Dulwich, who have greatly increased in numbers, and the fellows of the said college by whom such spiritual care as aforesaid has hitherto been exercised are proposed to be removed: Now for making provision against these inconveniences and evils, the governor of the said Charity shall, at the cost thereof, as soon as

reasonably may be after the First day of January 1858, appropriate or provide a site as near to the college as may conveniently be had, and as shall also be approved by the Bishop of the Diocese, for a church to be erected thereon, according to the following provisions, with necessary approaches, enclosures, and conveniences, and shall expend out of the funds of the Charity a sum of not less than 4,000*l.* in erecting on such site, and completing for divine service, with proper approaches, enclosures, and conveniences, and according to a plan also approved by the bishop of the diocese, a church sufficient for the accommodation of 800 persons at the least, which shall be for the use and benefit, in the first place, of all the scholars, brethren, sisters, and other recipients and objects of the said Charity, and also of the governors, warden, masters, and officers, and the servants and others belonging to the establishment thereof, for all of whom proper sittings and accommodation therein shall be reserved and appropriated rent free, and, subject to those purposes, for the use and benefit of the inhabitants of the hamlet of Dulwich, or of such ecclesiastical district as shall be legally assigned to the said church; and the site of such church, and its approaches and enclosures, shall be legally assured for such public or sacred purposes to the Ecclesiastical Commissioners for England and Wales, or to such other parties and in such manner as shall be approved by the said bishop.

A district to be assigned to the church, and the church to be consecrated.

39. An ecclesiastical district of or comprising the hamlet of Dulwich shall or may be assigned to the said church, which shall be consecrated for the purposes aforesaid as soon as conveniently may be after the completion thereof, and the patronage or the appointment of the incumbent thereof shall belong to and be exercised by the Governors of the Charity.

Appointment of churchwardens.

40. There shall be two churchwardens of the said church, to be respectively appointed as to one by the incumbent thereof, and as to the other by the Governors of the said Charity.

Apportionment of the sittings in the church.

41. The sittings in the said church, which shall not be required for the recipients or objects of the said charity, and for the governors, warden, officers, and the servants or others belonging to the establishment of the said Charity as aforesaid, shall be appropriated as follows, that is to say, sufficient and proper sittings for the use of the incumbent and his family and servants shall be appropriated to him rent free, and such a proportion of the remaining sittings as the Bishop of the diocese shall require under his hand and seal shall be free to the inhabitants of the ecclesiastical district assigned to the church, and the residue of the sittings shall be let by the churchwardens to like inhabitants, at such rents approved by the said bishop, as the said churchwardens shall think fit.

Application of pew rents.

42. The pew rents or rents for sittings in the said church to be received under the preceding authority shall be appropriated, in the first place, to the maintenance of the said church in substantial and proper repair, and to the payment of the expenses attendant on or incident to the celebration of divine service therein, and the surplus of such rents, if any, shall be paid to the incumbent of the said church for his use, or, if the bishop of the diocese shall so direct, towards providing the stipend of a curate assistant to the said incumbent.

The governors to provide

43. The Governors of the said Charity shall also, at the cost thereof, apply the sum of 1,000*l.* at the least in or towards the erection on a site to be also appropriated

appropriated or provided by them for that purpose, and to be approved by the said bishop, of a fit residence for the incumbent of the said church, to be permanently settled on or for the use of himself and his successors, and shall also pay to him out of the income of the said Charity by equal half-yearly portions in every year, to be computed from the consecration of the said church, a yearly stipend of 350*l.*, or they shall, with the like approbation of the said bishop, appropriate to and settle upon the said incumbent and his successors some fit and convenient residence already erected. Glebe house and endowment for the incumbent.

44. The incumbent of the said church shall be also chaplain of the said college, and shall from time to time, without further stipend or remuneration, perform divine service in the chapel belonging to the college, or elsewere therein, as shall be properly required by the governors of the said Charity, and discharge such spiritual duties for the benefit of the several objects of the Charity, and the persons belonging to or connected with the establishment thereof, as the said governors shall from time to time reasonably require. The incumbent of the said church shall be also chaplain of the said College.

45. The governors of the said Charity, until the consecration of the said intended new church and the appointment of an incumbent thereof, shall provide a chaplain of the college, who shall be in priest's orders of the Established Church, and under the direction of the said governors, shall perform divine service in the chapel of the said college on Sundays and other days appointed by them, and shall discharge all such other spiritual duties as they shall legally direct for the benefit of the several objects of the Charity, and persons belonging to or connected with the establishment thereof, and, so far as shall be lawful and convenient, such spiritual duties also for the benefit of the inhabitants of the hamlet of Dulwich, as have been heretofore commonly performed by the fellows of the said college. The governors may assign and pay to the chaplain to be so temporarily engaged by them such proper stipend or remuneration for his duties, and provide for him any such fit residence in or near the college as shall be considered by them to be reasonable, out of the funds or at the cost of the Charity. The governors to provide temporary chaplain.

46. The governors shall pay to an organist to be appointed, and removable by them at their pleasure, any reasonable annual salary out of the income of the Charity, whose duty shall be under the control and direction of the incumbent of the said church as to any services to be performed therein, to play the organ and generally to superintend the musical part of the services in the said church, and until the said church shall be built and opened for divine service, and he shall be required to act therein, to perform the like duties in the college chapel, and to instruct the boys at the schools herein-after constituted, or such of them as may be selected for that purpose by the master, in vocal music and choral singing. The governors may also, if they so think fit, provide an official residence for the organist rent free out of the funds of the Charity. Organist.

47. Until the erection and consecration of the said intended new church, the present chapel of the college shall continue to be appropriated and used as a place of divine worship for the purposes of the Charity and its establishment, and also for the inhabitants of the township or hamlet of Dulwich, in the same manner and to the same extent as heretofore; and the governors may, if they think fit, require from any persons frequenting the chapel, Chapel.

chapel, and not being members of the Charity or its establishment, the payment of any reasonable sums by way of pew-rent to be applied towards the expenses of such chapel, and the maintenance of the services thereof; provided that no such payment shall be required in respect of any pew or sitting in the chapel which shall have been annexed or appropriated to any house in the township or hamlet of Dulwich under any agreement or resolution of the college during the continuance of the term or period for which such pew or sitting shall have been so annexed or appropriated.

Provision for raising funds for erecting chapel and chaplain's residence.

48. The funds to be required for erecting, and providing, and fitting up the said new church and incumbent's residence as hereby directed, may, if necessary, be raised by the governors by way of mortgage under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," upon the security of any of the estates of the Charity, in the same manner as monies may be raised and charged by way of mortgage under those Acts, for any purposes of the improvement of the Charity Estates.

Governors may prescribe rules and regulations.

49. Subject to the provisions of this scheme, the governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the internal government and conduct of the Charity and the establishment thereof as contemplated by this scheme, and of all officers and persons for the time being attached thereto or employed therein; and all such rules and regulations shall be observed by the persons affected thereby.

Three-fourths of net income to go to educational branch of Charity, and one-fourth to eleemosynary branch.

50. The Charity with respect to its objects shall consist of two branches, hereafter respectively called "the Educational" and "the Eleemosynary" branches; and the surplus annual income of the Charity, which shall remain after providing for and paying thereout the expenses of repairs and insurance, and all other requisite or proper outgoings and expenses of management, as well as the stipends and salaries, and several other payments herein-before authorized or directed to be paid, and the interest and instalments of any debt payable thereout, shall be divided by the governors annually into equal fourth parts; and three of such fourth parts shall be placed by them from time to time to the account of "the educational branch" of the Charity, and (subject to the provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after directed; and the remaining one-fourth part of such surplus income shall be placed by the said governors to the account of "the eleemosynary branch" of the Charity, and (subject to the said provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after also directed.

Surplus income of the Charity to be temporarily accumulated.

51. Provided nevertheless, that until the available surplus income of the Charity shall be sufficient for accomplishing the whole purposes hereby provided for with respect to the said educational and eleemosynary branches of the Charity respectively, or for bringing the same into active and complete operation, the amount of such surplus income as aforesaid shall be invested by the governors from time to time in the public funds in the name of the stock committee for the time being, and the dividends thereon shall also be received and invested by them in like manner, so as to form an accumulating fund, which shall be ultimately applicable for such or the like purposes as are hereby declared of the income whence the same shall have arisen, except that if and so far as the governors may from time to time find the income for the time

time being sufficient for any partial accomplishment of such purposes respectively, it shall be lawful for them, with the sanction of the Board of Charity Commissioners for England and Wales, to apply the same income, or any part thereof, to such partial purposes.

For explanation and modification of this scheme.

52. If any doubt or question shall arise amongst the governors or any of them, as to the proper construction or application of any of the provisions of this scheme or the management of the Charity, application may be made by the governors to the Charity Commissioners for England and Wales for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the governors; and any provision in this scheme which shall be found inconvenient or objectionable, or which may require to be explained or more closely adapted to the circumstances for the time being of the Charity, may be modified, explained, and adapted accordingly by an order either of the Court of Chancery or of the Board of Charity Commissioners for England and Wales, to be made upon the application of the governors to the said Court or Board, provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this scheme.

As to the Educational Branch of the Charity.

Two schools to be established, an upper school and a lower school.

53. There shall be two schools, viz., an "Upper School," and a "Lower School," which shall be respectively established and maintained in the township or hamlet of Dulwich, out of the proportion of the income and funds of the Charity applicable to the educational branch thereof, subject and according to the provisions of this scheme.

Upper school.

54. The upper school shall be for the reception and instruction of boys as day scholars and boarders, and may be carried on in the present college buildings, which, for the purposes thereof, may be altered, enlarged, adapted, and fitted up by the governors, or, if necessary, new school buildings, with masters' residences, playgrounds, and appurtenances, may be erected, provided, and fitted up by them, according to any plan which shall be previously approved by the Board of Charity Commissioners for England and Wales.

Head master and under master.

55. There shall be a head master of the said upper school, to be styled, "The Master of Alleyn's College of God's Gift at Dulwich," and who shall have the general control and superintendence of the educational branch of the Charity, subject to the superior authority of the Governors, to whom he shall be responsible for the conduct thereof. There shall also be an under master of the same school, and such master and under master respectively shall be appointed by the governors.

Qualification of head and under master.

56. The master of the college, and the under master of the upper school, shall respectively be members of the Church of England, and graduates of one of the Universities of the United Kingdom, duly qualified to discharge the duties contemplated by this scheme; and the governors shall in all cases, previously to appointing any master or under master, advertise for candidates, and require and receive testimonials and other evidence of qualification in such manner as they may deem expedient for securing the services of the most efficient and eligible persons.

Salaries of head master and under master.

57. The governors shall pay by equal half-yearly payments, out of the income of the educational branch of the Charity, a fixed annual salary or stipend

stipend of 350*l.* to the master of the college, and of 250*l.* to the under master of the upper school, and also, in addition to such fixed salaries or stipends, a half-yearly payment or sum of 30*s.* to the master, and 10*s.* to the under master, for every boy exceeding the number of fifty, who shall have bonâ fide attended the said school for a period of not less than three calendar months during the then preceding half year; provided that the maximum sum to be paid out of the income of the Charity in any year under this provision shall not exceed 500*l.* for the master and 300*l.* for the under master.

Assistant masters and teachers.

58. The master of the college, with the approbation of the governors, shall be at liberty from time to time to appoint such assistant masters or teachers, and such professors, lecturers, and instructors, as may be requisite and proper for the purposes of the school; and every person so appointed shall hold office during the pleasure of the governors, and shall be paid out of the income of the educational branch of the Charity such a reasonable salary or remuneration as the governors shall appoint.

Qualifications for admission of boys to upper school.

59. All boys between the ages of eight and fifteen years, whose parents or next friends shall be inhabitants of any of the said four parishes of Saint Botolph, Saint Saviour, Saint Luke, and Saint Giles Camberwell, being respectively of good character and conduct, and free from any infectious disease, and able to read and write, shall, to the extent of the accommodation afforded by the said upper school be capable of being admitted thereto, either as day scholars or boarders, and of partaking of the benefits and advantages thereof, subject to the provisions of this scheme, and to such rules and regulations as may be prescribed by the governors consistently therewith; but no boy shall remain in the said school after he shall have attained the age of eighteen years: Subject to such rules and regulations as aforesaid, and subject to the right of preference in favour of boys from the four parishes aforesaid, it shall be lawful for the governors, if they think it expedient, at any time, to order the admission to the said school of boys from other parishes also, provided that the accommodation afforded by the school buildings and the funds of the Charity shall be sufficient for that purpose.

Applications for admission to upper school.

60. Every application for admission to the upper school, either as a day scholar or boarder, shall be made in writing to the master of the college, in whom the power of admitting or rejecting applicants shall be vested in the first instance, subject to the revision and control of the governors in each case, and such applications shall be made in such form, and shall be accompanied by such testimonials and evidence of qualification, as the said master, with the sanction of the governors, shall from time to time require; and registers of the applications for admission, and also of the boys admitted to the school, specifying the respective dates of such applications and admissions respectively, and the residences of the boys, and such other particulars as the governors may direct or sanction, shall be kept by the said master, and shall be accessible to every governor.

Boarders.

61. The boys to be received in the upper school as boarders shall be lodged and boarded as herein-after directed in some part of the school buildings, to be provided and fitted up by the governors for that purpose, in accordance with the provisions herein-after contained in that behalf; and the number of boarders shall be determined and fixed by the governors from time to time, as the governors shall judge expedient; but the number of such boarders for whom accom-

accommodation shall be so provided by the governors in the first instance shall not exceed sixty.

Payments to be made by boarders.

62. Each boarder at the upper school shall pay to the governors for his lodging and board (including washing and all other necessary expenses), half-yearly in advance, such a sum as the governors shall consider sufficient to cover the expense of providing such lodging and board, and as shall be fixed by them from time to time, upon taking into account the ascertained and probable amount of such expense, and allowing a reasonable sum for wear and tear of furniture and repairs, and the expenses incident to the support of the boarding establishment, and other contingencies.

Day boys may be partially boarded.

63. Any of the day boys attending the upper school may, with the consent of the governors, be admitted as day boarders upon the payment of such proportion of the amount required from the full boarders, or such other sums as the governors shall from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Foundation scholars at upper school.

64. There shall be so many foundation scholars in the upper school, not exceeding the number of 24 at one time, as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources of the educational branch of the Charity and the extent of accommodation afforded by the buildings, and the said foundation scholars shall be appointed in manner herein-after mentioned, and shall hold their respective appointments during such periods and subject to such regulations and conditions as the governors may from time to time prescribe.

Election of foundation scholars.

65. All boys belonging to any of the four parishes, either from the upper school or the lower school hereafter constituted, between the ages of 12 and 15 years, may offer themselves as candidates for appointment as foundation scholars, subject and according to such regulations as the governors may from time to time prescribe; and the said foundation scholars shall be elected and appointed by the governors from time to time from the candidates who shall be reported to them by the master of the college to be the most deserving, having regard to the examinations passed by such candidates respectively at the annual examinations herein-after directed to be held of the said schools, and to their respective characters and conduct.

Foundation scholars to be clothed and maintained at the expense of the Charity.

66. Subject to such regulations as shall from time to time be established or approved by the governors, the foundation scholars in the upper school shall during their continuance at the same school be lodged, clothed, educated, and maintained in all respects at the entire expense of the Charity, and the governors may, if they think fit, direct that such scholars shall wear a suitable cap or other mark of distinction. The said foundation scholars shall be lodged and boarded in common with the boarders at the said upper school, and subject to similar regulations in all respects as regards their respective discipline and conduct.

Head master and second master not at liberty to receive and board any private pupils.

67. The master of the college and the second master of the upper school shall not be at liberty to receive and board any private pupils in their respective residences.

Suspension and expulsion of boys.

68. The governors shall have the power of dismissing and expelling any boy from the upper school for any immorality, insubordination, misconduct, or other

other sufficient cause; and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors and decided upon by them.

Capitation fees.

69. An annual sum or capitation fee to be fixed and determined from time to time by the governors shall be paid by every boy attending the upper school, with the exception of the foundation scholars, according to the following scale; viz.:—

For every boy under the age of fourteen years:

If belonging to any of the four parishes aforesaid, 6*l.*

If not belonging to any of the same parishes, 8*l.*

For every boy above the age of fourteen years:

If belonging to any of the four parishes aforesaid, 8*l.*

If not belonging to any of the same parishes, 10*l.*

And all such capitation fees shall be paid in advance to the governors, or to such person as they may appoint to receive the same, in such half-yearly or other payments and at such times as the governors may direct; and the governors shall be at liberty in any special cases to vary the sum to be paid by any boy, or to remit the same either partially or entirely as a reward of his superior merit, or on the ground of the greater poverty of his parents or next friends.

Application of capitation fees.

70. The annual amount of the capitation fees to be received from the boys as aforesaid shall be paid and applied by the governors as follows, viz., one moiety thereof shall be paid half-yearly to the master of the college, and one-fourth part thereof shall be paid half-yearly to the under master of the upper school, in augmentation of their respective stipends, and the remaining one-fourth part thereof shall be applicable to the general purposes of the said school.

Instruction in upper school.

71. The instruction to be afforded in the upper school shall comprise, as far as may be—

The Principles of the Christian Religion and the Reading and Study of the Holy Scriptures;

English Literature and Composition;

The Greek, Latin, and modern Languages, and Literature;

History and Geography;

Writing and Vocal Music;

Mathematics, Algebra, Arithmetic, and Book-keeping;

Drawing and Designing, Practical Geometry and Mensuration, and the Principles of Civil Engineering;

Physics, Mechanics, Chemistry, and the Natural Sciences, especially with their applications to the Industrial and Practical Arts;

And generally such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education.

For the purposes of these several branches of instruction, the upper school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof respectively, shall be adapted to the same purposes accordingly.

The

The governors may also, out of the funds applicable to the educational branch of the Charity, from time to time provide such instruments, models, drawings, apparatus, and other requisites, and may employ either temporarily or otherwise such lecturers, professors, or teachers, as they shall think proper, and as the said funds shall be sufficient to provide for advancing or rendering more effective the instruction to be so given.

Discipline of school.

72. The course of instruction to be adopted in the upper school, and the hours of attendance, and the discipline and internal conduct and management thereof, and the holidays and vacations to be allowed therein, shall be under the direction and control of the master of the college, subject to such rules and regulations as the governors may from time to time approve.

Annual examination.

73. There shall be an annual examination of the boys at the upper school at such time as shall be appointed by the governors, who shall appoint one or more suitable examiners, being respectively graduates of one of the Universities of the United Kingdom, to conduct such examination, and may pay such examiners respectively any reasonable sum for their trouble and expenses; and such examination shall take place in the presence of the governors, and of the master of the college, and the under master of the school, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors or the master may think fit, shall be invited to attend the same; and suitable prizes may be provided and distributed by the governors upon every such examination to the boys who shall be reported to them by the master of the college as deserving the same.

Not more than eight exhibitions of 100*l.* each.

74. Whenever the income and resources of the educational branch of the Charity shall, in the judgment of the governors, permit, it shall be lawful for the governors to establish and pay out of such income any number of exhibitions or scholarships, not exceeding eight in the whole, and not exceeding the amount of one hundred pounds per annum each; and such exhibitions or scholarships, when vacant, shall be open to the competition of all the boys at the upper school at the annual examination aforesaid, and may be awarded by the governors to the boys who shall appear to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of such boys respectively, according to the master's report thereof to the governors.

Exhibitions tenable for five years.

75. Each exhibition or scholarship shall be tenable for five years, or for any less period, to be determined by the governors; provided that the holder shall during his tenure thereof continue to be resident at one of the English Universities, or to be a bonâ fide student of some learned or scientific profession or of the fine arts, with a view to the professional practice thereof, and shall continue to conduct himself with propriety and to the satisfaction of the governors.

Lower school.

76. The lower school shall be for the instruction and benefit of boys as foundation scholars and day boys, and shall be established and carried on in suitable buildings and premises, to be constructed or provided and fitted up for that purpose by the governors in Dulwich, according to a plan to be previously approved by the Board of Charity Commissioners for England and Wales; and the buildings of the present college grammar school may, if thought

thought expedient, and subject to the like approval, be appropriated and altered, enlarged and fitted up, by the governors for the purpose of the said lower school.

Master of the lower school.

77. There shall be a master of the lower school to be appointed by the governors, who shall be a member of the Church of England, duly qualified to discharge the duties contemplated by this scheme; and the governors, previously to appointing any such master, shall advertise for candidates, and receive such testimonials and evidence of qualification as they may deem expedient for securing the services of the most efficient and eligible master.

Stipend to master of the lower school.

78. The master of the lower school shall be paid by the governors by half-yearly payments out of the income of the educational branch of the Charity a fixed annual stipend of 200*l.*, and also an additional half-yearly sum of 20*s.* for every boy exceeding the number of fifty who shall have bonâ fide attended the same school for a period of not less than three calendar months during the then preceding half-year: Provided that the maximum sum to be paid to the master of the lower school in any one year under this provision shall not exceed 350*l.*

Assistant masters or teachers.

79. The governors, upon the recommendation of the master of the college, may from time to time appoint such and so many persons as assistant masters, teachers, and instructors for the purposes of the lower school as in their opinion may be requisite or proper, having regard to the requirements of the same school, and the income and resources of the educational branch of the Charity; and every such person may be paid by the governors such a reasonable salary or remuneration as the governors may think proper, and every person to be so appointed shall hold office during the pleasure of the governors.

Foundation scholars at lower school.

80. There shall be so many "foundation scholars" in the lower school, not exceeding the number of seventy at one time, as shall be fixed and determined from time to time by the governors, having regard to the extent of the accommodation afforded by the buildings, and the amount of the income and resources for the time being of the educational branch of the Charity.

Qualification of foundation scholars.

81. The foundation scholars at the lower school shall be appointed by the governors, and boys between the ages of eight and twelve years, of good character, free from infectious disease, and able to read and write, and being the children of poor deserving parents resident in any of the said several parishes of St. Botolph, St. Saviour, St. Luke, and St. Giles Camberwell, shall be eligible to be so appointed, but so that an equal number of the said foundation scholars shall be taken from each of the said three parishes of St. Botolph, St. Saviour, and St. Luke respectively, and that the number of such scholars taken from each of the three last-mentioned parishes respectively shall always be double the number taken from the parish of St. Giles Camberwell. The age up to which the foundation scholars may remain in the lower school may be fixed and determined from time to time by the governors, provided that no boy shall be allowed to remain as a foundation scholar in the same school after the age of eighteen years.

Election of foundation scholars.

82. The foundation scholars at the lower school shall be elected from time to time from amongst boys duly qualified as aforesaid, upon an examination and inquiry to be instituted by the governors, or by a committee of not less than

than three of their number, to be appointed for that purpose; and every such election shall be held either at Dulwich or at the respective parishes from which the scholars are to be elected, and shall take place at such times and be subject to such rules and regulations as may be prescribed by the said governors; and previously to every such election sufficient notice shall be given by the governors in such of the said parishes as may be interested therein, and in any manner and form which the governors may consider best calculated to ensure publicity, specifying the number of vacancies to be filled up, and the qualifications required from candidates, and the time and place at which the election will take place; and in making every such election the merits, qualifications, and claims of the candidates, in regard to their respective proficiency, abilities, and general character, and the circumstances and character of their respective parents, shall be taken into due consideration by the governors.

Examination of candidates.

83. The governors may appoint any fit and proper person to examine the candidates at every such election, and may pay to such person out of the funds of the Charity any reasonable remuneration for his trouble and expenses, or they may authorize the master of the lower school, or the master of the college, or the under master of the upper school to act as the examiner upon any such occasion gratuitously; and so far as conveniently may be, and subject to such regulations as the governors may prescribe, every such examination may be attended by all parishioners of the parish for which the election in question shall be held, and by any other persons whom the said governors may think fit or expedient to admit to attend the same.

Foundation scholars to be clothed, educated, and maintained at expense of Charity.

84. The foundation scholars at the lower school shall be lodged and boarded in suitable buildings attached to the same school, to be provided and fitted up by the governors for that purpose, and shall also be clothed, maintained, and educated at the same school, at the entire expense of the Charity, in accordance with such rules and regulations as may be prescribed by the governors in that behalf.

Day boys at lower school.

85. Subject to the regulation and control of the governors, and to the extent of accommodation afforded by the school, all boys between the ages of eight and sixteen years, the children of the industrial or poorer classes resident in any of the four parishes aforesaid, being respectively of good character and able to read and write, and not suffering from any infectious disorder, shall be admissible to the lower school as day boys; but no such boy shall remain at the school after the age of eighteen years.

Applications for admission as day boys.

86. Every application for admission as a day boy to the lower school shall be made to the master of the same school, who shall keep a register of all such applications and of the boys admitted to the school, which register shall always be open to the inspection of every governor and of the master of the college.

Capitation fees

87. A capitation fee to be fixed by the governors from time to time, but not exceeding 5*s.* a quarter for each boy under fourteen years of age, and 10*s.* a quarter for each boy above that age, shall be paid by the parents or friends of every day boy attending the lower school to the governors, or to any person appointed by them to receive the same; but the governors may in particular

cases, if they see fit, as a reward of superior merit, or on the ground of the poverty of any boy or his friends, or for sufficient special reasons, excuse the payment of such capitation fees either wholly or in part. All such capitation fees shall be paid in advance quarterly, or at such other times as the governors may direct, and shall be paid and applied by the governors as follows, viz., one moiety of the amount thereof shall be paid half-yearly to the master of the lower school in augmentation of his stipend, and the remaining moiety shall be applied towards increasing the stipend or remuneration of the assistant master or teachers of the said school respectively (if any), or for the general purposes of the same school, as the governors in their discretion shall think fit.

Provision for partially boarding day boys.

88. Any of the day boys attending the lower school may, with the consent of the governors, be admitted as day boarders, and may thereupon be boarded with the foundation scholars of the same school upon the payment of such a sum for defraying the expense as the governors may from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Instruction in lower school.

89. The instruction to be given in the lower school shall comprise, as far as may be—

The Principles of the Christian Religion, and the Reading and Study of the Holy Scriptures;

Spelling, Reading, and Writing;

English Grammar and Composition, and the Latin and modern Languages;

General History and Geography;

Vocal Music;

Arithmetic, Algebra, Mathematics, and the Elements of Practical Geometry and of Mensuration;

Elementary Instruction in the Laws of Physics, Mechanics, Chemistry, and the Natural Sciences;

Elementary Freehand and Mechanical Drawing.

The instruction in these subjects will bear especially on their application to the Industrial Arts, and to them may be added such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education, adapted to their probable occupations or stations in life.

For the purposes aforesaid, the lower school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof shall be adapted to the same several purposes accordingly.

The governors may also from time to time, for the benefit of the lower school, make any such provision for promoting or rendering more effectual the instruction to be given therein, and particularly in any branches of physical or mechanical science as are authorized to be made by them for the benefit of the upper school for the like purposes, so far as in their judgment such provision shall be required, and the funds of the educational branch of the Charity properly applicable to this purpose will permit.

90. The

90. The boys at the lower school shall be liable to dismissal and expulsion by the governors for any breach of the rules of the school, or for theft, immorality, insubordination, or misconduct, or other sufficient cause. And upon the occurrence of any such offence or occasion, the master of the same school shall report the same to the master of the college, who shall have power to inquire into the same, and if he shall so think fit to suspend the offender from further attendance at the school, until the case shall have been reported by him to the governors, and decided upon by them. Suspension and expulsion of boys.

91. The discipline and course of instruction to be adopted at the lower school, and the internal regulation and management thereof, shall be committed to the master of the same school, subject, nevertheless, to the general superintendence and direction of the master of the college, who shall be at liberty at all times to visit and inquire into the state and condition of the said lower school, and shall, at least once in each year, make a report thereon to the governors, and subject also to the orders and regulations of the governors. Provision for the general superintendence and discipline of lower school.

92. There shall be an annual examination of the boys at the lower school at such time as shall be appointed by the governors, who shall appoint some fit and proper examiner to conduct such examination, and may pay to him any reasonable remuneration for his trouble and expenses; and such examination shall take place in the presence of the governors, and of the masters of the upper and lower schools, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors or the master of the college may from time to time think fit, shall be invited to attend the same. With the approbation of the governors, either the master of the college or the second master of the upper school may act as the examiner at any such annual examination gratuitously. Annual examination.

93. The governors may yearly, upon the occasion of such examination as last aforesaid, distribute suitable prizes, to be provided out of the income and funds of the educational branch of the Charity, among the boys who shall be found to be most deserving thereof, having regard to the results of the said examination and to the general character and conduct of such boys, according to a report thereof to be made to the governors by the master of the college in concurrence with the master of the lower school; and the governors may also yearly, upon the occasion of such annual examination, award and pay out of the same income and funds, to or for the benefit of a limited number of such boys as last aforesaid who shall be then leaving the school (but not exceeding the number of six in the whole during any one year), a gratuity or sum not exceeding 40*l.* in each case for the purpose of apprenticing or advancing such boys respectively in the world in such manner and subject to such conditions and regulations as the governors may prescribe. Prizes and apprenticing gifts.

94. Whenever the income and resources of the educational branch of the Charity shall in the judgment of the governors permit, any number of exhibitions or scholarships, not exceeding twelve in the whole, and not exceeding the amount of 40*l.* per annum each, may be awarded and paid by the said governors out of such income to or for the benefit of such boys as herein-after mentioned upon their leaving the lower school, and any such exhibition or scholarship shall be tenable by the boy to whom it shall be so awarded for a period not exceeding four years from the time of his leaving the school, provided Exhibitions or scholarships for the lower school.

provided that he shall continue to conduct himself with propriety and to the satisfaction of the governors; but no more than three such exhibitions or scholarships shall be awarded or filled up in any one year.

Competition for such exhibitions.

95. The said exhibitions or scholarships to the extent of the disposable vacancies for the time being therein shall be open to the competition of all boys at the lower school (as well foundation scholars as day boys) of the age of sixteen years and upwards at the annual examination for the same schools, and shall be awarded by the governors to the boys who shall be found to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of the boys, according to a report to be made to the governors by the master of the college in concurrence with the master of the lower school; but no boy shall be entitled to or receive any such exhibition or scholarship in addition to a gratuity for his apprenticeship or advancement as aforesaid.

Masters to reside in and not to underlet their residences.

96. Suitable residences, with all proper fittings and appurtenances, shall be provided by the governors for the persons holding the respective offices of master of the college and under master and master of the said upper and lower schools, and the same persons respectively shall reside in their respective official residences rent-free, and shall have the occupation and use thereof in respect of their official character and duties, and not as tenants, and shall, if removed from office, deliver up possession of their said respective residences at such time and to such person as the governors may require or direct; and no master shall underlet or permit any person, except himself and his family and the pupils (if any) to be taken by him under this scheme, to occupy his official residence or any part thereof. The said official residences, with their respective appurtenances, shall be kept in proper repair, and all rates and taxes thereon shall be paid by the governors out of the income of the Charity.

Masters not to have other employments.

97. The master of the college and the under master and master of the said upper and lower schools respectively shall give their whole time and personal attention to the duties of their respective offices, and shall not respectively during their respective tenure of office accept or hold any benefice having the cure of souls, or any office or appointment which in the opinion of the governors may interfere with the proper performance of their respective duties under this scheme.

Declaration to be signed by masters on entering into office.

98. The master of the college and the under master and master of the said upper and lower schools respectively, previously to entering into office under the provisions of this scheme, shall respectively sign a declaration to be entered in the minute book of the governors, which may be in the following form, or as near thereto as conveniently may be, *i.e.*:—

"I, declare, That I will always to the best "of my ability discharge the duties of during my tenure "of that office according to the provisions of the scheme for the regulation of "Alleyn's College of God's Gift at Dulwich, and that in case I shall be "removed from my office by the governors according to the provisions of the "same scheme, I will acquiesce in such removal, and will thereupon relinquish "all claim to such office and its future emoluments, and upon any such "removal, or upon any avoidance of my office, possession of my official resi- "dence with its appurtenances may be forthwith taken by the governors, or "any person appointed by them to take possession of the same."

99. The

99. The master of the college, and the under master of the upper school, and the master of the lower school respectively, shall be liable to be removed from their respective offices by the resolution of the governors present at a special meeting, to be called for the express purpose of considering the expediency of such removal upon a requisition of at least three governors, provided that the resolution for such removal shall be carried at such meeting by at least two-thirds of the governors present, and that the number of governors voting for the removal shall not be less than seven, and provided that the notice of meeting shall in this special case have been given to every governor by the space of at least one calendar month previously to the holding thereof, and that notice thereof shall have been also given in like manner by the same space previously to the master whose removal shall be proposed, and that such resolution shall be entered on the minutes and signed by the governors voting for the same. Removal of masters.

100. The master of the college, and the under master of the upper school, and the master of the lower school, shall also respectively be removable by the governors under the provisions of "The Charitable Trusts Act, 1853," and the governors may assign to any master or under master, upon his removal under this or the last foregoing clause, or upon his retirement, such a reasonable annual allowance by way of retiring pension, to be paid out of the income of the educational branch of the charity, as the Board of Charity Commissioners for England and Wales shall sanction. Removal of head and under masters.

101. Any master of the college, and any under master or master of the said upper and lower schools respectively, who may die, resign, or be removed from office under the provisions of this scheme in the interval between any two half-yearly days of payment, shall respectively be entitled to a due proportion of his salary or stipend, and of the portion of capitation fees, if any, payable to him under the provisions of this scheme from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal. Masters' salaries apportionable in case of death, &c.

102. Prayers taken from the Liturgy of the Church of England, or of which the form shall have been approved by the visitor, shall be said daily in each of the said schools when the same shall meet. The religious instruction in both the schools shall be in accordance with the doctrines of the Church of England, and shall be given under the general direction of the master of the college to all boys, except that instruction in the Church Catechism, or in any distinctive doctrines of the Church of England, shall not be given to boys whose parents, or persons standing in loco parentis (being respectively persons not in communion with that church), shall state in writing to the master of the college that they object to such last-mentioned instruction upon conscientious grounds; and all the boys, except those last aforesaid, shall also attend divine service at the chapel of the college on Sundays, and on such other days and at such times as may be directed by the master of the college, subject to the approbation of the governors. The exemption from attending divine service at the chapel of the college on Sundays may also be extended by the governors or the master, if found necessary or convenient, to any day boys attending the schools from other places than Dulwich; but care shall be taken, as far as possible, that all boys who shall, by virtue of the said exception, be exempted from attendance at the said chapel as aforesaid, shall regularly attend some other place of religious public worship on Sundays. Provision as to the religious instruction.

Boarding establishment.

103. There shall be a boarding establishment for the purpose of making convenient provision for lodging and boarding boys at the upper and lower schools respectively as contemplated by this scheme, each such boarding establishment to be under the control of the master resident therein, and a separate account shall be kept by the governors of the receipts and expenses in respect of the boarding establishment, and all payments to be received by the governors for the lodging and boarding of any boys under the provisions of this scheme shall be carried to the credit of the said account.

Manciple for boarding establishment.

104. The governors may appoint a manciple or house-steward for the purposes of the boarding establishment hereby contemplated, who shall hold his employment during the pleasure of the governors. The manciple, in addition to his own board and lodging, shall be paid a fixed annual stipend, not exceeding 50*l.*, and also such an annual sum, not exceeding 10*s.*, for every boy at either school who shall actually have been lodged and boarded in the boarding establishment for a period of not less than three calendar months in any year, as the governors may direct, provided that the total annual payment to be made to the manciple shall in no case exceed 150*l.*

Provision for maintenance of boarders and supervision of boarding establishment.

105. The buildings for lodging and boarding the boys of the upper school shall be separate and distinct from those for the lower school, and the boys at the one school shall be kept entirely separate and distinct from those at the other, and the dietary and domestic and other arrangements for lodging and boarding the boys at both the said schools shall be suitable for the sons of persons of limited means, with such distinction or difference only (if any) between the two schools as the governors may think fit and expedient. And the master of the college (subject to such general directions and regulations as may be given or made by the governors from time to time in that behalf) shall have and exercise a general control and supervision over the boarding establishment and the arrangements thereof. The governors shall also appoint a committee of their body, who shall, so often as may be requisite, and at least once in each half year, visit and report on the state and condition of the boarding establishment, and the management and arrangements thereof, and the state of the furniture and other property of the establishment.

Cost of supplies and provisions for inmates.

106. Subject to the authority and control of the governors all supplies and articles required for the purposes of the boarding establishment shall be procured and provided from time to time by the manciple under the immediate direction of the master of the college; and the bills for the supplies so provided shall be submitted by the manciple to the clerk for examination and discharge weekly, or at such other convenient intervals as may be directed by the governors; and the cost of all such supplies, as well as the salaries and wages of the manciple and servants, and the other expenses of the boarding establishment shall be paid from time to time, under the direction of the governors, out of the income and funds of the educational branch of the Charity, and shall be charged to the account of the boarding establishment.

Attendants and servants.

107. The governors may appoint from time to time such attendants and servants as may be found to be required for the purposes of the said respective schools at such reasonable salaries to be paid out of the income of the educational branch of the Charity as the governors may think fit, and may remove any such attendants and servants at pleasure.

108. The

Present poor scholars to be admitted as foundation scholars.

108. The present poor scholars at the college, or such of them (if any) as may retain their respective appointments when this scheme shall come into operation, shall be entitled to be admitted in the first instance as foundation scholars either at the upper or lower schools as the governors may determine and direct in each case.

Preference in favour of inhabitants of Dulwich for admission to schools.

109. In the appointment or admission of boys from the parish of Camberwell to either of the said schools, under any of the provisions of this scheme, boys being the children of resident inhabitants of the township or hamlet of Dulwich, and being otherwise duly qualified for appointment or admission, shall always be entitled to and have a preference, cæteris paribus, over boys being the children of persons resident in any other part of the said parish of Camberwell. Provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the merits and qualifications of the respective candidates for appointment or admission independently of their place of residence shall be equal in the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive upon all parties.

Expense of repairing and erecting school buildings charged to educational branch.

110. The cost and expenses of adapting, erecting, providing, and fitting up the buildings, masters' residences, and other premises which may be required for the purposes of the said schools, or either of them, under the provisions of this scheme, as well as of keeping all such buildings, residences, and premises in proper repair and condition, and of providing and keeping up all requisite or proper fittings and apparatus for the purposes of the same schools, or either of them, shall be charged by the governors to the educational branch of the Charity.

Schools to be subject to Her Majesty's Inspectors of Schools.

111. The schools shall respectively be subject to inspection by Her Majesty's Inspectors of Schools.

Provision for increase of number of foundation scholars and exhibitioners.

112. It shall be lawful for the governors from time to time, with the sanction of the Court of Chancery or the Board of Charity Commissioners for England and Wales, to be obtained upon application to such Court or Board, to increase the number of foundation scholars or exhibitioners at or from both or either of the said schools to such an extent as the amount of the income and resources of the educational branch of the Charity for the time being, and other circumstances, may render proper and expedient.

Surplus income.

113. The annual surplus income (if any) of the educational branch of the Charity which shall not be applied or required for the purposes herein-before expressed, shall be invested by the governors from time to time in the public funds in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the educational branch of the Charity.

As to the Eleemosynary Branch.

Almspeople.

114. There shall be such a number of almspeople belonging to the Charity as shall be determined by the governors from time to time, having regard to the amount of income available for the support of the eleemosynary branch of the Charity, and the extent of accommodation afforded by the buildings to be erected for that purpose according to this scheme; but the number of

such almspeople for whom accommodation shall be provided by the governors in the first instance, shall not exceed twenty-four.

Residences for almspeople.

115. Suitable residences with gardens, if the same can be conveniently attached to them, and all necessary and proper fittings and conveniences, shall be erected or appropriated and provided by the governors for the reception and accommodation of the said almspeople upon the Charity estate if practicable, or elsewhere at Dulwich, and according to plans to be approved by the Board of Charity Commissioners for England and Wales, and the cost of the erection and fitting up of such residences and premises, as well as keeping the same in repair, shall be charged by the governors to the eleemosynary branch of the Charity.

Provision for locating present poor brethren and sisters.

116. The present poor brethren and sisters belonging to the Charity, or any of them, who may continue to hold their respective appointments after the 31st day of December next, shall be entitled to be placed, in the first instance, in the residences to be erected or appropriated and fitted up in accordance with the provisions of this scheme; and until sufficient residences shall be erected and fitted up for such poor brethren and sisters, and in case of and from and after their removal from the college, the governors shall provide them with fit residences or make such other provision for their location and domiciles as shall be just and expedient.

Qualification of almspeople.

117. One half of the almspeople shall be poor men to be called "Brethren," and the other half of such almspeople shall be poor women to be called "Sisters," and both classes shall be selected, so far as practicable, from among respectable persons, either married or single, who shall have fallen from better circumstances into indigence, and who shall be of the age of sixty years or upwards; and the said almspeople shall always be chosen and appointed from among residents in the said four parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell, respectively, in the proportion of one-fourth of the whole number of such almspeople from each of the said several parishes respectively.

Appointment of almspeople.

118. The right of appointing the almspeople shall be vested in the governors but for the purpose of every such appointment the vestry of the parish from which the appointment is to be made shall submit to the governors the names of three persons duly qualified as aforesaid as candidates, with all proper information and evidences as to their qualification, condition, character, and circumstances, and so far as regards the candidates to be so submitted from the parish of Camberwell, having due regard to the preference herein-after reserved in favour of persons resident in the township or hamlet of Dulwich and one of such candidates, if found duly qualified and eligible, shall thereupon be selected and appointed by the governors to fill the vacancy; but the governors may, if and so often as they shall think fit, on the ground of disqualification, or any other reasonable cause to be assigned by them, reject all or any of the three candidates to be so submitted to them for the purpose of any such appointment, and require other candidates to be submitted to them as aforesaid, in the respective places of any so rejected. In any case of the refusal or omission of the vestry to submit to the governors the names of proper candidates within twenty-eight days next after a notification made to them or to their clerk by order of the governors of a vacancy to be filled,

or

or next after the rejection by the governors according to the preceding provision of any candidates or candidate for the said vacancy, the governors shall be at liberty to appoint any duly qualified person to fill such vacancy.

Weekly allowances to almspeople.

119. The almspeople, during the tenure of their respective appointments, shall have the use and occupation of their respective residences, together with such fittings and furniture (if any) as may be provided by the governors, rent free, and a weekly stipend to be fixed and determined from time to time by the governors, but not exceeding twenty shillings per week, shall be paid to each almsperson out of the income of the eleemosynary branch of the Charity.

Chaplain to have supervision of almspeople.

120. The warden of the college, subject to the superior authority and direction of the governors, shall have the immediate supervision and control of the almspeople, and shall take care that proper discipline and order is observed by them, and he shall half-yearly or more frequently report to the governors as to the state and condition of the almspeople and the eleemosynary branch of the Charity generally.

Pensioners.

121. Whenever the income of the eleemosynary branch of the Charity, after providing for the establishment and maintenance of twenty-four almspeople, shall be sufficient for the following purpose, the governors shall appoint from time to time as out-pensioners any number of persons not exceeding the number of almspeople for the time being, and not exceeding thirty-two in the whole. The number of such pensioners of either sex shall, so far as possible, be equal; and so far as may be convenient and practicable the several provisions herein contained with regard to the qualification of the said almspeople, and the proportion of the whole number to be appointed from the poor of each of the said four parishes respectively, and the mode of their election and appointment, and the tenure of their appointments, shall be applicable to the pensioners contemplated by this provision, except that such pensioners shall be eligible after the age of fifty years. The governors may pay to each pensioner during the tenure of his or her appointment, out of the last-mentioned income, a weekly or other periodical sum at the rate of ten shillings per week.

Removal and suspension of almspeople.

122. The governors shall have the power of removing and dismissing any almsperson or pensioner for disqualification, immorality, insubordination, misconduct, or other sufficient cause, and the master of the college may at any time suspend any almsperson or pensioner guilty of any such misconduct from the receipt of any allowance or benefit from the Charity until the case can be reported to the governors and decided upon by them.

Preference in favour of Dulwich for appointment as almspeople and pensioners.

123. In the appointment of any almsperson or pensioner from among residents in the parish of Camberwell under the provisions of this scheme, poor persons resident in the said township or hamlet of Dulwich, being otherwise duly qualified as required by this scheme, shall always be entitled to and have a preference, cæteris paribus, over poor persons resident in other parts of the said parish, and the nominations to be made by the vestry of the said parish of Camberwell shall in all cases be made in accordance with

this provision; provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the qualifications and claims of the respective candidates in accordance with this scheme, independently of their place of residence, shall be equal according to the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive as between all parties.

Surplus income.

124. The annual surplus income (if any) of the eleemosynary branch of the Charity which shall not be applied or required for the purposes herein-before expressed, or any of them, shall be invested by the governors from time to time in the public funds, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the eleemosynary branch of the Charity.

As to the Pictures and other minor Foundations.

Provision for preservation and custody of pictures.

125. Provision shall be made by the governors, with the sanction of the President of the Royal Academy, for the preservation and custody of the collection of pictures and other works of art bequeathed to the college by the respective wills of Sir Peter Francis Bourgeois and Margaret Desenfans, and all accretions or additions (if any) to such collection, either in the present gallery or in some other suitable building or repository to be erected or otherwise provided for the purpose at Dulwich, and subject to such regulations for making the same accessible to the public, and for other purposes, as the governors, with the like sanction or approval, may determine or direct; and until some other building or repository shall be so erected or provided, the said pictures and other works of art shall be kept under the control and direction of the governors in the present gallery, and shall be open to the public in the same manner as heretofore, or under such reasonable regulations to be established by the governors as shall not be inconsistent with the provisions or purposes of this scheme.

Endowments of picture gallery.

126. All sums of stock, securities for money, and other property vested in or held by the college, or any person or persons in trust for the custody or preservation of the said pictures or works of art, or for any object or purpose connected therewith, or so much thereof as shall not have been already vested in the said governors by virtue of the provisions herein-before contained, shall be transferred to the governors hereby established, or to any four persons of their number to be appointed by them for that purpose, or as to such stock to the Official Trustees of Charitable Funds, and shall be placed by the governors to a separate account, to be called "The Picture Gallery Endowment Account," and the same stock securities and premises, and the dividends and income arising therefrom, shall be applicable primarily to the purposes of placing, preserving, and guarding the said pictures and works of art; but such purposes may include the erection, providing, appropriation, and fitting of any new buildings or repository, which may be erected or provided in pursuance of the foregoing provision, and of keeping the same in repair. In case the services

of

of the present curator and doorkeeper of the picture gallery, or of either of them, shall be dispensed with by the governors, a suitable yearly allowance or pension shall be assigned to them respectively during their respective lives, in consideration of their past services, such respective allowances or pensions to be paid by the governors half-yearly out of the income of the Picture Gallery Endowment.

Surplus income of picture gallery endowment.

127. The annual surplus income (if any) arising from the said Picture Gallery Endowment shall be applied by the governors in or towards providing instruction in drawing or designing for the boys at the two schools constituted by this scheme, and until so applied shall be accumulated and invested as part of the surplus income of the said educational branch of the Charity.

John Whitfield's gift.

128. The sum of 666*l.* 13*s.* 4*d.*, 3*l.* per cent. reduced Bank Annuities, bequeathed by John Whitfield, Esquire, by his will dated the 24th of April 1826, to the master and warden of the said College and their successors, upon trust to lay out the interest thereof annually in bread and potatoes, or other necessaries, and distribute the same in the months of December, January, and February in each year unto and among such twenty poor widows in the hamlet of Dulwich as the said master and warden should in their discretion consider most to stand in need of such assistance, and in proportion to the number of their respective families and wants, together with all accretions or additions, if any, to such bequest, shall be transferred to the Official Trustees of Charitable Funds, in trust for John Whitfield's Charity, Dulwich; and the chairman for the time being of the governors, and the master, and the chaplain for the time being of Alleyn's College of God's Gift at Dulwich as hereby constituted, shall be the trustees for the management and distribution of the said last-mentioned charity, and the income thereof shall be paid over from time to time to such trustees, or any one or more of them, in order that the same may be applied and distributed by them, or the majority of them, in accordance with the trusts declared by the said will.

James Allen's gift, or Dulwich girls' school.

129. The rents, dividends, and income arising from the estates and other property constituting the endowment of the school founded by James Allen, by indenture dated on or about the 31st of August 1741, for the benefit of the children of poor persons resident in the town of Dulwich, or within one mile thereof, and all accumulations of income and other funds belonging to the said endowment, shall be placed by the governors to a separate account, to be called "The Dulwich Girls' School Account." The chairman for the time being of the governors and the master and the chaplain for the time being of the said college shall be the trustees for the administration of the said last-mentioned school, which shall be established and carried on as a school for the instruction of girls being the children of poor persons resident in the hamlet of Dulwich and its immediate vicinity, subject to such regulations as may be prescribed by the said trustees, or the majority of them, with the sanction of the said Board of Charity Commissioners for England and Wales; and the rents and income arising from the said endowment shall be paid over to the said trustees in trust for the purposes of the same school, and the governors of the said college shall be at liberty to appropriate in perpetuity a suitable

piece of land out of the college estate as a site for school buildings for the said last-mentioned school, and any accumulations which have been already made, or may hereafter be made, out of the rents or income of the said endowment, may be applied by the said trustees in or towards erecting and fitting up suitable buildings for the purposes of the said school.

Dulwich College.

A

B I L L

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in Dulwich in the County of Surrey, with certain Alterations.

(*Brought from the Lords 9 July 1857.*)

Ordered, by The House of Commons, *to be Printed,*
9 *July* 1857.

Under 4 oz.

[Bill 114.]

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in Dulwich in the County of Surrey, with certain Alterations.

Preamble. 3d Report, 28th Feb. 1856.

WHEREAS the Charity Commissioners for England and Wales, in their Report to Her Majesty of their Proceedings during the Year One thousand eight hundred and fifty-five, have reported that they have provisionally approved and certified (among other Schemes for the Application and Management of Charities) a Scheme for the College of God's Gift in Dulwich in the County of Surrey, and such Scheme is set out in the Appendix to the said Report: And whereas it is expedient that the said Scheme, as the same, with certain Modifications thereof, is set out in the Schedule to this Act, shall take effect: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Scheme confirmed.

I. The Scheme set out in the Schedule to this Act shall be established and take effect.

SCHEDULE.

SCHEME for the Application and Management of the Charity called the COLLEGE OF GOD'S GIFT, in Dulwich, in the County of Surrey.

GENERAL PROVISIONS.

Present corporation dissolved.

1. The existing incorporation of the above-mentioned Charity, by the name of the College of God's Gift, in Dulwich, or by any other name, shall be dissolved; and the several offices and places of the master, warden, and fellows, brothers, and sisters of the said college shall be abolished from and after the 31st December 1857, and no new appointment shall be made to any office or place in or under the Charity according to its present constitution, after the establishment of this scheme.

Archbishop of Canterbury to continue visitor.

2. The Charity, as reconstituted by this scheme, shall be called "Alleyn's College of God's Gift, at Dulwich;" and the Archbishop of Canterbury, and his successors, shall continue to be the visitors of the Charity, with the same authorities, rights, and privileges, as heretofore, so far as the same shall not be inconsistent with this scheme.

Governors.

3. There shall be sixteen governors of the Charity, who shall be called "The Governors of Alleyn's College, at Dulwich," and who shall have the control and management of the Charity, and the estates and property thereof, from and after the said 31st day of December 1857. Eight of such governors, hereinafter called "The Elective Governors," shall be elected; and the remaining eight, or non-elective governors, shall be appointed as herein-after provided.

Elective governors.

4. The vestries of the parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell shall each elect two of said eight elective governors respectively; and the first election shall be made before the expiration of the month of November 1857. Every elective governor shall be elected to hold office for a period of seven years, and shall be re-eligible at or subsequently to the determination of such period.

Non-elective governors.

5. The non-elective governors shall be appointed by the Court of Chancery, upon application to be made to the same Court by Her Majesty's Attorney General, either by petition, or by summons before one of the judges of the said Court sitting at chambers. And the first appointment of non-elective governors shall be made as soon as conveniently may be after the establishment of this scheme. Two of the non-elective governors shall be the President and Vice-President of the Committee of Council of Education for the time being; one other non-elective Governor shall be the President of the Poor Law Board for the time being; and of the remaining non-elective governors three shall be named by the Archbishop of Canterbury; the remaining two shall be magistrates of the county of Surrey, and shall be nominated by the Lord Lieutenant of the said county.

One of the non-elective governors to be appointed by the Archbishop of Canterbury shall be a resident inhabitant of the township or hamlet of Dulwich,

Dulwich, and shall be distinguished in his appointment as the "Dulwich Governor." And upon any vacancy in the office of the "Dulwich Governor" for the time being, some other resident inhabitant of the same township or hamlet shall be appointed by the said Archbishop to succeed to such vacancy.

Vacancy in office of governor.

6. Death, resignation, bankruptcy, or insolvency, residence out of England, refusal or incapacity to act, or neglect to attend any meeting of the governors for one year, shall respectively create a vacancy in the office of governor. The office of the Dulwich Governor shall also determine upon his ceasing to be resident in Dulwich; and whensoever any vacancy among the governors shall occur, the same shall be forthwith filled up by the said vestries, or by the Archbishop of Canterbury, or by the Lord Lieutenant, as the case may be.

Charity estates to be vested in governors for the time being.

7. All the real estate, of whatsoever tenure, and rights and privileges vested in or held in trust for the said college, or any of the members thereof, as such (subject to the subsisting leases and charges, if any, thereof,) and the full benefit of all subsisting covenants, conditions, and securities made or entered into, with, or reserved to the said college, or any person or persons in trust for the same college, and all the personal estate belonging to or held in trust for the said college, or any of the members thereof as such, and the right to sue for and recover all choses in action recoverable for the benefit of the college, or any such member as aforesaid, shall, from and after the said 31st day of December 1857, be vested in the said governors, and shall from time to time thereafter vest and continue vested in the governors of Alleyn's College at Dulwich for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said college before its dissolution, or to or with any preceding governors of the said Charity for the benefit thereof, shall be exerciseable by and in the names of the governors for the time being, as fully and effectually as the same right might be exercised by such college if not dissolved, or by such preceding governors, if still retaining their office; and in the same manner all contracts and liabilities of the said college before its dissolution, or of any preceding governors for the time being of the Charity, may be enforced against the governors thereof for the time being, to the extent of the property or assets of the Charity, but not against their private estates.

Execution of leases and other instruments.

8. Leases and other deeds and instruments for the letting or disposition of the Charity estate, or any part thereof, may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them, according to any order of the governors of the said Charity, made at any regular meeting of their body, and shall have the same effect as if executed by all the said governors; and the recital of any such order, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be primâ facie evidence thereof upon any proceedings to which the parties to the same lease or instrument, or their respective successors in title, representatives, or assigns, shall be parties or a party.

Stock committee.

9. The governors may from time to time appoint any four persons of their number to be a stock committee, into whose names all stock belonging to the Charity may from time to time be transferred, and the dividends

on all such stock shall be disposable by the governors for the time being as part of the general income of the Charity. All or any sums of stock belonging to the Charity may also be transferred into the name of "The Official Trustees of Charitable Funds," in trust for the Charity under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855."

Transfer of the administration of Charity and its funds to governors.

10. The Charity shall continue to be managed and administered by the present governing body of the college until the said 31st day of December 1857 inclusive, and the accounts of the Charity shall be made up and finally balanced to that day. And there shall be paid to the master, warden, fellows, and poor brethren and sisters of the college respectively out of the current year's income a due proportion of the several annual or other payments to which they are respectively entitled under the present system of administration, to be calculated from the then last preceding day of payment up to the said 31st day of December 1857. And any surplus or balance of income which shall remain to the credit of the Charity after providing for and satisfying such proportion of the said several annual payments, and the requisite or proper expenses attending the management and administration of the Charity up to that time, and all trust funds held by the college, or by any of its members as such, in trust for any other charitable purposes, shall be paid and transferred on that day unto the governors to be appointed as provided by this scheme, or as they may direct, according to and to be held upon the subsisting trusts thereof.

Allowances to present members of college.

11. There shall be paid by the governors to the present master, warden, fellows, and poor brethren and sisters of the college respectively, or to such of them as shall be living on the said 31st day of December 1857, during their respective lives, out of the income of the Charity, in lieu and full satisfaction of all present and future allowances, rights, and emoluments, the following annual sums; that is to say,—

To the master, the sum of - - -	£760
To the warden - - - -	570
To the first and second fellows each - -	236
To the third and fourth fellows each - -	196
To each of the poor brethren and sisters - -	150

The said allowances or annual sums shall commence from the said 31st day of December 1857, and shall be payable half-yearly, except the allowances to the poor brethren and sisters, which shall be paid monthly, or at such other periods as the governors may think fit, and shall be apportionable in cases of the death of any of the said recipients before or in the interval between any of the said half-yearly payments.

The allowance or annual sum payable to the warden shall, in the event of his surviving the master, be increased to 760*l.* from the day of the master's decease; but the whole of the said allowances or annual sums shall abate in proportion in case and so often as the clear income of the Charity, after paying and providing for all necessary or proper outgoings and expenses of management, as well as the several payments and expenses directed or authorized by this scheme for the benefit or maintenance of the present poor scholars, and the college grammar school, and the servants and others attached to the present establishment, shall in any year or years prove insufficient to pay the same allowances or annual sums in full.

12. Until

12. Until the appointment of a chaplain as herein-after provided, the present first and other fellows of the said college shall respectively continue as heretofore to perform or provide for the performance of divine service in the chapel of the college, or in some other building to be appointed by the governors for that purpose, and to discharge the other spiritual duties heretofore and of right discharged by them respectively; but, save as aforesaid, the said master, warden, and fellows respectively shall from and after the said 31st day of December 1857 be exonerated from all obligation of residence in the said college, or the performance of any duties with respect to the Charity, and from all restriction against their respective marriages.

Performance of divine service until appointment of chaplain.

13. Until the establishment of a school in which the existing poor scholars shall be received and instructed, as contemplated by this scheme, and subject to the provisions herein contained, such poor scholars shall receive and enjoy the same instruction, maintenance, and other benefits, and shall also be entitled to the same apprenticeships and exhibitions to be respectively provided and paid out of the general income of the Charity, as such scholars respectively would have been entitled to receive and enjoy if this scheme had not been established.

Present poor scholars to receive instruction and other benefits as heretofore.

14. Subject to the provisions of this scheme, and until the governors shall otherwise direct, the college grammar school may continue to be carried on as heretofore in the buildings hitherto used for such school; and the several stipends, allowances, and other payments which have been heretofore paid and allowed out of the income of the Charity for the purposes of such school may continue to be paid and allowed as heretofore; and upon the discontinuance of the said school the governors may, if they so think fit, pay to the master thereof, out of the general income of the Charity, such a reasonable gratuity or pension in consideration of his services as they may consider proper and expedient.

Provision as to college grammar school.

15. The servants and attendants now employed in the college, upon their respective services being dispensed with in consequence of the provisions of this scheme, may respectively have any reasonable pensions or gratuities paid to them by the governors out of the income of the Charity, in such manner and subject to such conditions as the said governors shall think fit.

Present servants and attendants may be pensioned.

16. All pensions and exhibitions, at present properly payable out of the income of the Charity shall continue to be paid to the present recipients thereof respectively during the tenure of their respective appointments, subject to the same rules and conditions as are now subsisting and applicable to the same respectively.

Present pensions and exhibitions to be continued.

17. The governors may appoint a clerk and a receiver (who respectively shall be removable by them at their pleasure), or they may grant the offices of clerk and receiver to one person, and they may pay to the holder of each such office, out of the income of the Charity, any reasonable stipend or allowance as a remuneration for his services. Every receiver shall, before entering upon his office, give such security for the due performance of the duties thereof as the governors shall direct.

Clerk and Receiver.

Duties of clerk.

18. It shall be the duty of the clerk, subject to the control and direction of the governors, to give notices of and to attend all meetings of the governors or committees of the governors, to enter and keep minutes of the proceedings at all such meetings, to keep the accounts, and to pay the bills of the Charity, to prepare and make out such statements of account relating to the Charity as the governors shall from time to time require, and to perform all such other duties appertaining to the office of clerk of the Charity as the governors shall direct.

Duties of Receiver.

19. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the Charity estates and property, and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors, so often and at such times as shall be directed by them, a report as to the state and condition of the Charity estates, and also full and particular accounts of all rents, income, and monies collected or received on account of the Charity, and of all arrears due of such rents or income; and shall perform all such other duties appertaining to the office of receiver, in respect of the Charity and its property, as the governors shall reasonably direct. And unless the governors shall otherwise direct, all rents and incomes to be received by the receiver on account of the Charity shall, immediately upon the receipt thereof, be paid over by him to the bankers of the Charity to the credit of the Charity account.

General meetings.

20. There shall not be less than four meetings of the governors in every year, and such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively, or upon such other days, being respectively within thirty days next after the said quarterly days as shall have been appointed by the governors at any preceding meeting, and the said governors shall have power to appoint all such other meetings as they shall think necessary. All meetings shall be held at the college, and at the hour of noon, unless the governors shall fix some other convenient place in Dulwich, and some other convenient hour for holding the next or any other meeting. There shall also be a first general meeting of the governors, for the general purposes and business of the Charity, on the first day of January 1858.

Special meetings.

21. Any three or more governors may require the clerk to convene a special meeting of the governors for any special object to be mentioned in such requisition, and the clerk shall thereupon give notice to each governor of the holding of such meeting, specifying the time, place, and object thereof; and no business shall be transacted at any special meeting, which shall not be specified or sufficiently indicated in the notice.

Notice of meetings.

22. Notice shall be given by the clerk to every governor seven clear days at the least previously to a general meeting, and fourteen clear days at the least previously to a special meeting; and notice of every adjourned meeting, so far as the interval between the original and adjourned meetings will permit, shall be given in like manner immediately after the adjournment to all governors not present thereat, and every notice shall specify the place and the day and hour appointed for holding the meeting. All notices required to be given to any governor shall be in writing delivered to him, or sent by the post or otherwise to his usual place of residence.

23. There

Permanent chairman.

23. There shall be a permanent chairman of the governors, who, whenever present, shall preside as chairman at all meetings of the governors, and who shall hold office until he shall cease to be a governor, or shall resign, or be appointed receiver, or be removed from being such chairman by a resolution passed at any special meeting of the governors to be convened for that purpose. The first permanent chairman shall be elected by the governors at their first meeting; and every subsequent permanent chairman shall be elected at some special meeting of the governors, to be held upon due notice after an interval of not less than twenty-eight days after the vacancy of the office.

Quorum of governors at meetings.

24. Five governors shall form a quorum at any meeting; and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, in case the permanent chairman shall be absent, or his office shall be vacant, the governors then present shall proceed to elect a deputy chairman, who, when so elected, shall preside as the chairman at such meeting.

Resolutions of the majority to be binding.

25. The resolutions and proceedings of a majority of the governors present at any meeting shall be binding on the whole body; and no resolution or proceeding shall be subsequently revoked or altered, except at a special meeting duly convened upon notice for that purpose. The chairman presiding at any meeting shall, in the event of an equality of votes, have in addition to his original vote a second or casting vote.

Adjournment of meetings.

26. If after the space of one hour from the time appointed for holding any meeting a sufficient number of governors shall not be in attendance to form a quorum, the permanent chairman, or in his absence any governor then present, or the clerk if no governor be present, may adjourn the meeting to a subsequent day, not less than seven days distant. Any meeting may also be adjourned at any time by the chairman thereof upon a resolution for adjournment being adopted at such meeting.

Appointment of committees.

27. The governors may at any time appoint three or more of their body to be a committee for the purpose of making any inquiry or superintending, or performing any specific acts or duties which in their judgment may be more conveniently referred to or delegated to such committee. The acts and proceedings of every such committee shall be reported to the governors from time to time at their next meeting.

Minutes of proceedings.

28. The governors shall provide and keep minute books, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings thereat, and of all other transactions of the governors relating to the Charity. The minutes of the proceedings at each meeting shall be signed by the chairman of the meeting, and countersigned by the clerk.

Accounts.

29. The governors shall provide and cause to be kept proper account books, wherein shall be regularly entered and kept full accounts of all receipts and payments on behalf of the Charity, and such other particulars as the governors shall direct to be entered therein. All such accounts, and all accounts of the clerk and receiver, or other agents of the governors shall be examined, vouched, and audited half-yearly at the first general meeting after Midsummer Day and Christmas Day in every year, or at some adjournment of such meetings respectively, by one or more auditors, to be appointed for that purpose

by the governors, and shall be signed by the chairman and two at least of the other governors present at such meeting; and a statement or sufficient abstract of such accounts, together with a statement showing the number of the boys of each description at the respective schools, and the number of exhibitioners, and the other recipients of the Charity, shall be printed and delivered annually to each governor, and to the vestry clerk of each of the said four parishes, and to such other persons as the governors shall think fit.

Bankers.

30. The governors shall from time to time appoint and employ bankers to the Charity, or for the purposes thereof; and all payments of money on account of the Charity shall be made, as far as practicable, by means of cheques or orders drawn on such bankers, to be signed at some meeting of the governors by the chairman thereof, and by one at least of the governors present thereat, and to be countersigned by the clerk.

Provision for payment of current expenses.

31. Such monies nevertheless as may from time to time be required for payment of the current expenses of the Charity, may be paid or advanced by the governors for that purpose to the clerk or such other officer of the Charity, and in such manner, as they may consider expedient; and every such officer shall render to the governors, or as they shall direct, full and exact accounts of all such monies received or expended by him.

Custody of documents.

32. The governors shall provide some suitable room or place of deposit in the college, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, with proper lists or schedules thereof; and the contents of such room or place shall be examined by or under the direction of the governors at least once in each year; and such room or place shall be kept locked, and the keys thereof shall be kept in such secure custody, and under such regulations, as the governors shall from time to time prescribe.

Library.

33. The governors shall make suitable provision for the preservation and custody of the library belonging to the college, and shall appropriate annually, out of the income of the Charity, any sum not exceeding 100*l.* for binding, and the purchase of books; and subject to the superior authority and directions of the governors, the master of the college shall have the immediate charge and management of the library, and may establish suitable regulations for access thereto, and for the use of the books by the masters and boys of either school herein-after mentioned, and the officers and members of the establishment, and other persons and generally for the management thereof.

Chaplain.

34. There shall be one chaplain, to be styled "The Chaplain of Alleyn's College of God's Gift at Dulwich," who shall be a duly qualified person in priests orders of the Established Church. The chaplain shall be appointed by the governors, who shall also have the power of removing him for neglect of duty, or other sufficient cause. The first appointment of a chaplain shall be made as soon as conveniently may be after the said 31st day of December 1857, and not later than the first general meeting to be held next after the 25th day of March 1858.

Chaplain's residence.

35. A suitable residence shall be erected or appropriated, and provided by the governors at the expense of the Charity for the use of the chaplain, and such residence shall be occupied by the chaplain for the time being and his family

family rent free, and shall be kept in substantial repair, and all rates and taxes thereon paid by the governors out of the general income of the Charity; and the chaplain shall reside in his official residence rent free, and shall not underlet or part with possession of the same, or any part thereof, and he shall not absent himself from residence without the permission of the governors or of the master of the college acting under their authority.

Duties of chaplain.

36. The chaplain shall perform divine service in the chapel attached to the college upon Sundays, and on such other days and at such time as the governors or the master of the college, with their sanction, shall from time to time direct, and he shall discharge such spiritual duties for the benefit of the several objects of the Charity, as established by this scheme, and the several persons for the time being belonging or attached thereto, as the governors or the master with their sanction shall authorize and direct, and also so far as may be lawful and convenient, all such spiritual duties for the benefit of the township or hamlet of Dulwich, and the inhabitants thereof respectively, as have been heretofore commonly performed by the first or other fellows of the college.

Provision for annexation of ecclesiastical district to chaplaincy.

37. In case an ecclesiastical district comprising the said township or hamlet of Dulwich shall hereafter be legally created, the chaplain, with the consent of the governors of the said Charity, may become the incumbent or minister of such district, subject and without prejudice to the performance of his duties under this scheme.

Chaplain's stipend.

38. The governors shall pay to the chaplain out of the general income of the Charity, by equal half-yearly payments, a clear annual stipend not exceeding 350*l.* and not less than 250*l.*

Organist.

39. There shall be an organist for the purposes of the Charity, who shall be appointed by the governors and shall be removable by them at pleasure, and who shall be paid such a reasonable annual salary out of the income of the Charity as the governors shall direct, and the duty of the organist shall be subject to the control and direction of the master and the governors, to play the organ and generally to superintend the musical part of the services in the college chapel, and to instruct the boys in vocal music and choral singing, at the schools herein-after constituted, or such of them as may be selected for that purpose by the master, and also such of the girls in the Dulwich girls school as herein-after provided. The governors may, if they so think fit, provide an official residence for the organist rent free out of the funds of the Charity.

Chapel.

40. The present chapel of the college shall continue to be appropriated and used as a place of divine worship for the purposes of the Charity and its establishment, and also for the inhabitants of the township or hamlet of Dulwich, in the same manner and to the same extent as heretofore; and the governors may, if they think fit, declare any number of the sittings to be free, or may require from any persons frequenting the chapel, and not being members of the Charity or its establishment, the payment of any reasonable sums by way of pew rent to be applied towards the expenses of such chapel, and the maintenance of the services thereof; provided that no such payment shall be required in respect of any pew or sitting in the chapel which shall

have been annexed or appropriated to any house in the township or hamlet of Dulwich under any agreement or resolution of the college during the continuance of the term or period for which such pew or sitting shall have been so annexed or appropriated. In case the present chapel shall at any time hereafter be found insufficient or unsuitable for the purposes of the Charity and for the inhabitants of the township or hamlet of Dulwich, it may either be altered or enlarged by the governors, or a new chapel in a convenient situation for the inmates of the college may be erected and fitted up by the governors upon a plan to be approved by the visitor; provided that in the construction of such new chapel arrangements shall be made for affording to the inhabitants of the township or hamlet of Dulwich an equal extent of accommodation at least to that heretofore enjoyed by them in the present chapel of the college, having regard also to the probable or eventual increase of population in the said township or hamlet.

Governors may prescribe rules and regulations.

41. Subject to the provisions of this scheme, the governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the internal government and conduct of the Charity and the establishment thereof as contemplated by this scheme, and of all officers and persons for the time being attached thereto or employed therein; and all such rules and regulations shall be observed by the persons affected thereby.

Three-fourths of net income to go to educational branch of Charity, and one-fourth to eleemosynary branch.

42. The Charity with respect to its objects shall consist of two branches, hereafter respectively called "the Educational" and "the Eleemosynary" branches; and the surplus annual income of the Charity, which shall remain after providing for and paying thereout the expenses of all necessary buildings, repairs, and insurance, and all other requisite or proper outgoings and expenses of management, as well as the stipends and salaries, and several other payments herein-before authorized or directed to be paid, and the interest and instalments of any debt payable thereout, shall be divided by the governors annually into equal fourth parts; and three of such fourth parts shall be placed by them from time to time to the account of "the educational branch" of the Charity, and (subject to the provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after directed; and the remaining one fourth part of such surplus income shall be placed by the said governors to the account of "the eleemosynary branch" of the Charity, and (subject to the said provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after also directed.

Surplus income of the Charity to be temporarily accumulated.

43. Provided nevertheless, that until the available surplus income of the Charity shall be sufficient for accomplishing the whole purposes hereby provided for with respect to the said educational and eleemosynary branches of the Charity respectively, or for bringing the same into active and complete operation, the amount of such surplus income as aforesaid shall be invested by the governors from time to time in the public funds or other government securities in the name of the stock committee for the time being, and the dividends thereon shall also be received and invested by them in like manner, so as to form an accumulating fund, which shall be ultimately applicable for such or the like purposes as are hereby declared of the income whence the same shall have arisen, except that if and so far as the governors may from time

time to time find the income for the time being sufficient for any partial accomplishment of such purposes respectively, it shall be lawful for them, with the sanction of the Board of Charity Commissioners for England and Wales, to apply the same income, or any part thereof, to such partial purposes.

For explanation and modification of this scheme.

44. If any doubt or question shall arise amongst the governors or any of them, as to the proper construction or application of any of the provisions of this scheme or the management of the Charity, application may be made by the governors to the Charity Commissioners for England and Wales for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the governors; and any provision in this scheme which may require to be explained or more closely adapted to the circumstances for the time being of the Charity may be explained, and adapted accordingly, by an order either of the Court of Chancery or of the Board of Charity Commissioners for England and Wales, to be made upon the application of the governors to the said Court or Board; and any provision in this scheme which shall be found inconvenient or objectionable may be modified accordingly by an order of the Court of Chancery, provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this scheme.

AS TO THE EDUCATIONAL BRANCH OF THE CHARITY.

Two schools to be established, an upper school and a lower school.

45. There shall be two schools, viz., an "Upper School," and a "Lower School," which shall be respectively established and maintained in the township or hamlet of Dulwich, out of the proportion of the income and funds of the Charity applicable to the educational branch thereof, subject and according to the provisions of this scheme.

Upper school.

46. The upper school shall be for the reception and instruction of boys as foundation scholars and day boys, and may be carried on in the present college buildings, which, for the purposes thereof, may be altered, enlarged, adapted, and fitted up by the governors, or, if necessary, new school buildings, with masters' residences, playgrounds, and appurtenances, may be erected, provided, and fitted up by them, according to any plan which shall be previously approved by the Board of Charity Commissioners for England and Wales.

Head master and under master.

47. There shall be a head master of the said upper school, to be styled, "The Master of Alleyn's College of God's Gift at Dulwich," and who shall have the general control and superintendence of the educational branch of the Charity, subject to the superior authority of the Governors, to whom he shall be responsible for the conduct thereof. There shall also be an under master of the same school, and such master and under master respectively shall be appointed by the governors.

Qualification of head and under master.

48. The master of the college, and the under master of the upper school, shall respectively be members of the Church of England, and graduates of one of the Universities of the United Kingdom, duly qualified to discharge the duties contemplated by this scheme; and the governors shall in all cases, previously to appointing any master or under master, advertise for candidates, and require and receive testimonials and other evidence of qualification in such

manner as they may deem expedient for securing the services of the most efficient and eligible persons.

Salaries of head master and under master.

49. The governors shall pay by equal half-yearly payments, out of the income of the educational branch of the Charity, a fixed annual salary or stipend of 400*l.* to the master of the college, and of 250*l.* to the under master of the upper school, and also, in addition to such fixed salaries or stipends, a half-yearly payment or sum of 30*s.* to the master, and 10*s.* to the under master, for every boy exceeding the number of fifty, who shall have bonâ fide attended the said school for a period of not less than three calendar months during the then preceding half year.

Assistant masters and teachers.

50. The master of the college, with the approbation of the governors, shall be at liberty from time to time to appoint such assistant masters or teachers, and such professors, lecturers, and instructors, as may be requisite and proper for the purposes of the school; and every person so appointed shall hold office during the pleasure of the governors, and shall be paid out of the income of the educational branch of the Charity such a reasonable salary or remuneration as the governors shall appoint.

Qualifications for admission of boys to upper school.

51. All boys between the ages of eight and fifteen years, whose parents or next friends shall be inhabitants of any of the said four parishes of Saint Botolph, Saint Saviour, Saint Luke, and Saint Giles Camberwell, being respectively of good character and conduct, and free from any infectious disease, and able to read and write, shall, to the extent of the accommodation afforded by the said upper school be capable of being admitted thereto as day scholars, and of partaking of the benefits and advantages thereof subject to the provisions of this scheme, and to such rules and regulations as may be prescribed by the governors consistently therewith; but no boy shall remain in the said school after he shall have attained the age of eighteen years. Subject to such rules and regulations as aforesaid, and subject to the right of preference in favour of boys from the four parishes aforesaid, it shall be lawful for the governors, if they think it expedient, at any time, to order the admission to the said school of boys from other parishes also, provided that the accommodation afforded by the school buildings and the funds of the Charity shall be sufficient for that purpose.

Applications for admission to upper school.

52. Every application for admission to the upper school as a day scholar shall be made in writing to the master of the college, in whom the power of admitting or rejecting applicants shall be vested in the first instance, subject to the revision and control of the governors in each case, and such applications shall be made in such form, and shall be accompanied by such testimonials and evidence of qualification, as the said master, with the sanction of the governors, shall from time to time require; and registers of the applications for admission, and also of the boys admitted to the school, specifying the respective dates of such applications and admissions respectively, and the residences of the boys, and such other particulars as the governors may direct or sanction, shall be kept by the said master, and shall be accessible to every governor.

Day boys may be partially boarded.

53. Any of the day boys attending the upper school may, with the consent of the governors, be admitted as day boarders upon the payment of such sums

as

as the governors shall from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Foundation scholars at upper school.

54. There shall be so many foundation scholars in the upper school, not exceeding the number of 24 at one time, as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources of the educational branch of the Charity and the extent of accommodation afforded by the buildings, and the said foundation scholars shall be appointed in manner herein-after mentioned, and shall hold their respective appointments during such periods and subject to such regulations and conditions as the governors may from time to time prescribe.

Election of foundation scholars.

55. All boys belonging to any of the four parishes, either from the upper school or the lower school hereafter constituted, between the ages of 12 and 15 years, may offer themselves as candidates for appointment as foundation scholars in the upper school, subject and according to such regulations as the governors may from time to time prescribe; and the said foundation scholars shall be elected and appointed by the governors from time to time from the candidates who shall be reported to them by the master of the college to be the most deserving, having regard to the examinations passed by such candidates respectively at the examinations herein-after directed to be held of the said schools, and to their respective characters and conduct. Provided that of the whole number of foundation scholars in the upper school not less than one third shall be so elected and appointed by examination from foundation scholars of the lower school.

Foundation scholars to be clothed and maintained at the expense of the Charity.

56. Subject to such regulations as shall from time to time be established or approved by the governors, the foundation scholars in the upper school shall during their continuance at the same school be lodged, boarded, clothed, educated, and maintained in all respects at the entire expense of the Charity, and the governors may, if they think fit, direct that such scholars shall wear a suitable cap or other mark of distinction.

Head master and second master not at liberty to receive and board any private pupils.

57. The master of the college and the second master of the upper school shall not be at liberty to receive and board any private pupils in their respective residences.

Suspension and expulsion of boys.

58. The governors shall have the power of dismissing and expelling any boy from the upper school for any immorality, insubordination, misconduct, or other sufficient cause; and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors and decided upon by them.

Capitation fees.

59. An annual sum or capitation fee to be fixed and determined from time to time by the governors shall be paid by every boy attending the upper school, with the exception of the foundation scholars, until it shall be otherwise determined by the governors; the payment shall be according to the following scale; viz.:—

For every boy under the age of fourteen years:

If belonging to any of the four parishes aforesaid, 6*l.*

If not belonging to any of the same parishes, 8*l.*

For every boy above the age of fourteen years:

If belonging to any of the four parishes aforesaid, 8*l.*

If not belonging to any of the same parishes, 10*l.*

And all such capitation fees shall be paid in advance to the governors, or to such person as they may appoint to receive the same, in such half-yearly or other payments and at such times as the governors may direct; and the governors shall be at liberty in any special cases to vary the sum to be paid by any boy, or to remit the same either partially or entirely as a reward of his superior merit, or on the ground of the greater poverty of his parents or next friends.

Application of capitation fees.

60. The annual amount of the capitation fees to be received from the boys as aforesaid shall be paid and applied by the governors as follows, viz., one moiety thereof shall be paid half-yearly to the master of the college, and one-fourth part thereof shall be paid half-yearly to the under master of the upper school, in augmentation of their respective stipends, and the remaining one-fourth part thereof shall be applicable to the general purposes of the said school.

Instruction in upper school.

61. The instruction to be afforded in the upper school shall comprise, as far as may be—

The Principles of the Christian Religion and the Reading and Study of the Holy Scriptures;

English Literature and Composition;

The Greek, Latin, and modern Languages, and Literature;

History and Geography;

Writing and Vocal Music;

Mathematics, Algebra, Arithmetic, and Book-keeping;

Drawing and Designing, Practical Geometry and Mensuration, and the Principles of Civil Engineering;

Physics, Mechanics, Chemistry, and the Natural Sciences, especially with their applications to the Industrial and Practical Arts;

And generally such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education.

For the purposes of these several branches of instruction, the upper school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof respectively, shall be adapted to the same purposes accordingly.

The governors may also, out of the funds applicable to the educational branch of the Charity, from time to time provide such instruments, models, drawings, apparatus, and other requisites, and may employ either temporarily or otherwise such lecturers, professors, or teachers, as they shall think proper, and as the said funds shall be sufficient to provide for advancing or rendering more effective the instruction to be so given.

Discipline of school.

62. The course of instruction to be adopted in the upper school, and the hours of attendance, and the discipline and internal conduct and management thereof, and the holidays and vacations to be allowed therein, shall be under the direction and control of the master of the college, subject to such rules and regulations as the governors may from time to time approve.

63. There

63. There shall be an annual examination of the boys at the upper school at such time as shall be appointed by the governors, who shall appoint one or more suitable examiners, being respectively graduates of one of the Universities of the United Kingdom, to conduct such examination, and may pay such examiners respectively any reasonable sum for their trouble and expenses; and such examination shall take place in the presence of the governors, and of the master of the college, and the under master of the school, or such of them as can conveniently attend; and the churchwardens of the said four parishes, and such other persons as the governors or the master may think fit, shall be invited to attend the same; and suitable prizes may be provided and distributed by the governors upon every such examination to the boys who shall be reported to them by the master of the college as deserving the same. Annual examination.

64. Whenever the income and resources of the educational branch of the Charity shall, in the judgment of the governors, permit, it shall be lawful for the governors to establish and pay out of such income any number of exhibitions or scholarships, not exceeding eight in the whole, and not exceeding the amount of one hundred pounds per annum each; and such exhibitions or scholarships, when vacant, shall be open to the competition of all the boys at the upper school at the annual examination aforesaid, and may be awarded by the governors to the boys who shall appear to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of such boys respectively: Provided that no boy shall be eligible for such exhibition who has not for the period of two years immediately preceding been educated in the upper or lower school. Not more than eight exhibitions of 100*l.* each.

65. Each exhibition or scholarship shall be tenable for five years, or for any less period, to be determined by the governors; provided that the holder shall during his tenure thereof continue to be resident at one of the English Universities, or to be a bonâ fide student of some learned or scientific profession or of the fine arts, with a view to the professional practice thereof, and shall continue to conduct himself with propriety and to the satisfaction of the governors. Exhibitions tenable for five years.

66. The lower school shall be for the instruction and benefit of boys as foundation scholars and day boys, and shall be established and carried on in suitable buildings and premises, to be constructed or provided and fitted up for that purpose by the governors in Dulwich, according to a plan to be previously approved by the Board of Charity Commissioners for England and Wales; and the buildings of the present college grammar school may, if thought expedient, and subject to the like approval, be appropriated and altered, enlarged and fitted up, by the governors for the purpose of the said lower school. Lower school.

67. There shall be a master of the lower school to be appointed by the governors, who shall be a member of the Church of England, duly qualified to discharge the duties contemplated by this scheme; and the governors, previously to appointing any such master, shall advertise for candidates, and receive such testimonials and evidence of qualification as they may deem expedient for securing the services of the most efficient and eligible master. Master of the lower school.

Stipend to master of the lower school.

68. The master of the lower school shall be paid by the governors by half-yearly payments out of the income of the educational branch of the Charity a fixed annual stipend of 200*l.*, and also an additional half-yearly sum of 20*s.* for every boy exceeding the number of fifty who shall have bonâ fide attended the same school for a period of not less than three calendar months during the then preceding half-year.

Assistant masters or teachers.

69. The governors, upon the recommendation of the master of the college, may from time to time appoint such and so many persons as assistant masters, teachers, and instructors for the purposes of the lower school as in their opinion may be requisite or proper, having regard to the requirements of the same school, and the income and resources of the educational branch of the Charity; and every such person may be paid by the governors such a salary or remuneration as the governors may think proper, and every person to be so appointed shall hold office during the pleasure of the governors.

Foundation scholars at lower school.

70. There shall be so many "foundation scholars" in the lower school as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources for the time being of the educational branch of the Charity.

Qualification of foundation scholars.

71. The foundation scholars at the lower school shall be appointed by the governors, and boys between the ages of eight and twelve years, of good character, free from infectious disease, and able to read and write, and being poor orphans having lost one or both parents, or in default of such then the children of poor deserving parents resident in any of the said several parishes of St. Botolph, St. Saviour, St. Luke, and St. Giles Camberwell, shall be eligible to be so appointed, but so that an equal number of the said foundation scholars shall be taken from each of the said parishes. The age up to which the foundation scholars may remain in the lower school may be fixed and determined from time to time by the governors, provided that no boy shall be allowed to remain as a foundation scholar in the same school after the age of sixteen years.

Election of foundation scholars.

72. The foundation scholars at the lower school shall be elected from time to time from amongst boys duly qualified as aforesaid, upon an examination and inquiry to be instituted by the governors, or by a committee of not less than three of their number, to be appointed for that purpose; and every such election shall be held either at Dulwich or at the respective parishes from which the scholars are to be elected, and shall take place at such times and be subject to such rules and regulations as may be prescribed by the said governors; and previously to every such election sufficient notice shall be given by the governors in such of the said parishes as may be interested therein, and in any manner and form which the governors may consider best calculated to ensure publicity, specifying the number of vacancies to be filled up, and the qualifications required from candidates, and the time and place at which the election will take place; and in making every such election the merits, qualifications, and claims of the candidates, in regard to their respective proficiency, abilities, and general character, and the circumstances and character of their respective parents, shall be taken into due consideration by the governors.

73. The

Examination of candidates.

73. The governors may appoint any fit and proper person to examine the candidates at every such election, and may pay to such person out of the funds of the Charity any reasonable remuneration for his trouble and expenses, or they may authorize the master of the lower school, or the master of the college, or the under master of the upper school to act as the examiner upon any such occasion gratuitously; and so far as conveniently may be, and subject to such regulations as the governors may prescribe, every such examination may be attended by all parishioners of the parish for which the election in question shall be held, and by any other persons whom the said governors may think fit or expedient to admit to attend the same.

Foundation scholars to be clothed, educated, and maintained at expense of Charity.

74. The foundation scholars at the lower school shall be lodged and boarded in suitable buildings attached to the same school, to be provided and fitted up by the governors for that purpose, and shall also be clothed, maintained, and educated at the same school, at the entire expense of the Charity, in accordance with such rules and regulations as may be prescribed by the governors in that behalf.

Day boys at lower school.

75. Subject to the regulation and control of the governors, and to the extent of accommodation afforded by the school, all boys above the age of eight years, the children of the industrial or poorer classes resident in any of the four parishes aforesaid, being respectively of good character and able to read and write, and not suffering from any infectious disorder, shall be admissible to the lower school as day boys; but no such boy shall remain at the school after the age of sixteen years.

Applications for admission as day boys.

76. Every application for admission as a day boy to the lower school shall be made to the master of the same school, who shall keep a register of all such applications and of the boys admitted to the school, which register shall always be open to the inspection of every governor and of the master of the college.

Capitation fees.

77. A capitation fee to be fixed by the governors from time to time, but not exceeding 5*s.* a quarter for each boy under fourteen years of age, and 10*s.* a quarter for each boy above that age, shall be paid by the parents or friends of every day boy attending the lower school to the governors, or to any person appointed by them to receive the same; but the governors may in particular cases, if they see fit, as a reward of superior merit, or on the ground of the poverty of any boy or his friends, or for sufficient special reasons, excuse the payment of such capitation fees either wholly or in part. All such capitation fees shall be paid in advance quarterly, or at such other times as the governors may direct, and shall be paid and applied by the governors as follows, viz., one moiety of the amount thereof shall be paid half-yearly to the master of the lower school in augmentation of his stipend, and the remaining moiety shall be applied towards increasing the stipend or remuneration of the assistant masters or teachers of the said school respectively (if any), or for the general purposes of the same school, as the governors in their discretion shall think fit.

Provision for partially boarding day boys.

78. Any of the day boys attending the lower school may, with the consent of the governors, be admitted as day boarders, and may thereupon be boarded

with the foundation scholars of the same school upon the payment of such a sum for defraying the expense as the governors may from time to time direct, and subject to such other reasonable regulations as they may prescribe.

Instruction in lower school.

79. The instruction to be given in the lower school shall comprise, as far as may be—

The Principles of the Christian Religion, and the Reading and Study of the Holy Scriptures;

Spelling, Reading, and Writing;

English Grammar and Composition, and the Latin and modern Languages;

General History and Geography;

Vocal Music;

Arithmetic, Algebra, Mathematics, and the Elements of Practical Geometry and of Mensuration;

Elementary Instruction in the Laws of Physics, Mechanics, Chemistry, and the Natural Sciences;

Elementary Freehand and Mechanical Drawing.

The instruction in these subjects shall bear especially on their application to the Industrial Arts, and to them may be added such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education, adapted to their probable occupations or stations in life.

For the purposes aforesaid, the lower school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof shall be adapted to the same several purposes accordingly.

The governors may also from time to time, for the benefit of the lower school, make any such provision for promoting or rendering more effectual the instruction to be given therein, and particularly in any branches of physical or mechanical science as are authorized to be made by them for the benefit of the upper school for the like purposes, so far as in their judgment such provision shall be required, and the funds of the educational branch of the Charity properly applicable to this purpose will permit.

Suspension and expulsion of boys.

80. The boys at the lower school shall be liable to dismissal and expulsion by the governors for any breach of the rules of the school, or for theft, immorality, insubordination, or misconduct, or other sufficient cause. And upon the occurrence of any such offence or occasion, the master of the same school shall report the same to the master of the college, who shall have power to inquire into the same, and if he shall so think fit to suspend the offender from further attendance at the school, until the case shall have been reported by him to the governors, and decided upon by them.

Provision for the general superintendence and discipline of lower school.

81. The discipline and course of instruction to be adopted at the lower school, and the internal regulation and management thereof, shall be committed to the master of the same school, subject, nevertheless, to the general superintendence and direction of the master of the college, who shall be at liberty at all

all times to visit and inquire into the state and condition of the said lower school, and shall, at least once in each year, make a report thereon to the governors, and subject also to the orders and regulations of the governors.

Annual examination.

82. There shall be an annual examination of the boys at the lower school at such time as shall be appointed by the governors, who shall appoint some fit and proper examiner to conduct such examination, and may pay to him any reasonable remuneration for his trouble and expenses; and such examination shall take place in the presence of the governors, and of the masters of the upper and lower schools, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors or the master of the college may from time to time think fit, shall be invited to attend the same. With the approbation of the governors, either the master of the college or the second master of the upper school may act as the examiner at any such annual examination gratuitously.

Prizes and apprenticing gifts.

83. The governors may yearly, upon the occasion of such examination as last aforesaid, distribute suitable prizes, to be provided out of the income and funds of the educational branch of the Charity, among the boys at the lower school who shall be found to be most deserving thereof, having regard to the results of the said examination and to the general character and conduct of such boys, according to a report thereof to be made to the governors by the master of the college in concurrence with the master of the lower school; and the governors may also yearly, upon the occasion of such annual examination, award and pay out of the same income and funds, to or for the benefit of a limited number of such boys as last aforesaid who shall be then leaving the school (but not exceeding the number of six in the whole during any one year), a gratuity or sum not exceeding 40*l.* in each case for the purpose of apprenticing or advancing such boys respectively in the world in such manner and subject to such conditions and regulations as the governors may prescribe: Provided that one third at least of the boys receiving such benefit, shall be taken every year from the most deserving of the foundation scholars of the lower school, if a sufficient number of the foundation scholars should be then leaving the school.

Exhibitions or scholarships for the lower school.

84. Whenever the income and resources of the educational branch of the Charity shall in the judgment of the governors permit, any number of exhibitions or scholarships, not exceeding twelve in the whole, and not exceeding the amount of 40*l.* per annum each, may be awarded and paid by the said governors out of such income to or for the benefit of such boys as herein-after mentioned upon their leaving the lower school, and any such exhibition or scholarship shall be tenable by the boy to whom it shall be so awarded for a period not exceeding four years from the time of his leaving the school, provided that he shall continue to conduct himself with propriety and to the satisfaction of the governors; but no more than three such exhibitions or scholarships shall be awarded or filled up in any one year.

Competition for such exhibitions.

85. The said exhibitions or scholarships to the extent of the disposable vacancies for the time being therein shall be open to the competition of all boys at the lower school (as well foundation scholars as day boys) at the annual examination for the same schools, and shall be awarded by the governors to the boys who shall be found to be most deserving thereof, having

having regard to the result of the said examination, and to the general character and conduct of the boys, according to a report to be made to the governors by the master of the college in concurrence with the master of the lower school; but no boy shall be entitled to or receive any such exhibition or scholarship in addition to a gratuity for his apprenticeship or advancement as aforesaid: Provided also, that no boy shall be eligible for such exhibition or scholarship who has not for the period of two years immediately preceding been educated in the said lower school.

Masters to reside in and not to underlet their residences.

86. Suitable residences, with all proper fittings and appurtenances, shall be provided by the governors for the persons holding the respective offices of master of the college and under master and master of the said upper and lower schools, and the same persons respectively shall reside in their respective official residences rent-free, and shall have the occupation and use thereof in respect of their official character and duties, and not as tenants, and shall, if removed from office, deliver up possession of their said respective residences at such time and to such person as the governors may require or direct; and no master shall underlet or permit any person, except himself and his family, to occupy his official residence or any part thereof. The said official residences, with their respective appurtenances, shall be kept in proper repair, and all rates and taxes thereon shall be paid by the governors out of the income of the Charity.

Masters not to have other employments.

87. The master of the college and the under master and master of the said upper and lower schools respectively shall give their whole time and personal attention to the duties of their respective offices, and shall not respectively during their respective tenure of office accept or hold any benefice having the cure of souls, or any office or appointment which in the opinion of the governors may interfere with the proper performance of their respective duties under this scheme.

Declaration to be signed by masters on entering into office.

88. The master of the college and the under master and master of the said upper and lower schools respectively, previously to entering into office under the provisions of this scheme, shall respectively sign a declaration to be entered in the minute book of the governors, which may be in the following form, or as near thereto as conveniently may be, *i.e.*:—

"I, declare, That I will always to the best "of my ability discharge the duties of during my tenure "of that office according to the provisions of the scheme for the regulation of "Alleyn's College of God's Gift at Dulwich, and that in case I shall be "removed from my office by the governors according to the provisions of the "same scheme, I will acquiesce in such removal, and will thereupon relinquish "all claim to such office and its future emoluments, and upon any such "removal, or upon any avoidance of my office, possession of my official resi-"dence with its appurtenances may be forthwith taken by the governors, or "any person appointed by them to take possession of the same."

Removal of masters.

89. The master of the college, and the under master of the upper school, and the master of the lower school respectively, shall be liable to be removed from their respective offices by the resolution of the governors present at a special meeting, to be called for the express purpose of considering the expediency of such removal upon a requisition of at least three governors, provided that the resolution

resolution for such removal shall be carried at such meeting by at least two-thirds of the governors present, and that the number of governors voting for the removal shall not be less than seven, and provided that the notice of meeting shall in this special case have been given to every governor by the space of at least one calendar month previously to the holding thereof, and that notice thereof shall have been also given in like manner by the same space previously to the master whose removal shall be proposed, and that such resolution shall be entered on the minutes and signed by the governors voting for the same.

Removal of head and under masters.

90. The master of the college, and the under master of the upper school, and the master of the lower school, shall also respectively be removable by the governors under the provisions of "The Charitable Trusts Act, 1853," and the governors may assign to any master or under master, upon his removal under this or the last foregoing clause, or upon his retirement, such a reasonable annual allowance by way of retiring pension, to be paid out of the income of the educational branch of the charity, as the Board of Charity Commissioners for England and Wales shall sanction.

Masters' salaries apportionable in case of death, &c.

91. Any master of the college, and any under master or master of the said upper and lower schools respectively, who may die, resign, or be removed from office under the provisions of this scheme in the interval between any two half-yearly days of payment, shall respectively be entitled to a due proportion of his salary or stipend, and of the portion of capitation fees, if any, payable to him under the provisions of this scheme from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Provision as to the religious instruction.

92. Prayers taken from the Liturgy of the Church of England, or of which the form shall have been approved by the visitor, shall be said daily in each of the said schools when the same shall meet. The religious instruction in both the schools shall be in accordance with the doctrines of the Church of England, and shall be given under the general direction of the master of the college to all boys, except that instruction in the Church Catechism, or in any distinctive doctrines of the Church of England, shall not be given to boys whose parents, or persons standing in loco parentis (being respectively persons not in communion with that church), shall state in writing to the master of the college that they object to such last-mentioned instruction upon conscientious grounds; and all the boys, except those last aforesaid, shall also attend divine service at the chapel of the college on Sundays, and on such other days and at such times as may be directed by the master of the college, subject to the approbation of the governors. The exemption from attending divine service at the chapel of the college on Sundays may also be extended by the governors or the master, if found necessary or convenient, to any day boys attending the schools from other places than Dulwich; but care shall be taken, as far as possible, that all boys who shall, by virtue of the said exception, be exempted from attendance at the said chapel as aforesaid, shall regularly attend some other place of religious public worship on Sundays.

Boarding establishment.

93. Every establishment which may be set up by any person or persons for the purpose of lodging or boarding boys at the upper or lower school shall be under the superintendence of the master of the college, subject to any rules and regulations which may be made by the governors.

Attendants and servants.

94. The governors may appoint from time to time such attendants and servants as may be found to be required for any of the purposes of the said respective schools at such reasonable salaries to be paid out of the income of the educational branch of the Charity as the governors may think fit, and may remove any such attendants and servants at pleasure.

Present poor scholars to be admitted as foundation scholars.

95. The present poor scholars at the college, or such of them (if any) as may retain their respective appointments when this scheme shall come into operation, shall be entitled to be admitted in the first instance as foundation scholars either at the upper or lower schools as the governors may determine and direct in each case.

Preference in favour of inhabitants of Dulwich for admission to schools.

96. In the appointment or admission of boys from the parish of Camberwell to either of the said schools, under any of the provisions of this scheme, boys being the children of resident inhabitants of the township or hamlet of Dulwich, and being otherwise duly qualified for appointment or admission, shall always be entitled to and have a preference, cæteris paribus, over boys being the children of persons resident in any other part of the said parish of Camberwell. Provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the merits and qualifications of the respective candidates for appointment or admission independently of their place of residence shall be equal in the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive upon all parties.

Schools to be subject to Her Majesty's Inspectors of Schools.

97. The schools shall respectively be subject to inspection by Her Majesty's Inspectors of Schools.

Provision for increase of number of foundation scholars and exhibitioners.

98. It shall be lawful for the governors from time to time, with the sanction of the Court of Chancery or the Board of Charity Commissioners for England and Wales, to be obtained upon application to such Court or Board, to increase the number of foundation scholars or exhibitioners at or from both or either of the said schools to such an extent as the amount of the income and resources of the educational branch of the Charity for the time being, and other circumstances, may render proper and expedient.

Surplus income.

99. The annual surplus income (if any) of the educational branch of the Charity which shall not be applied or required for the purposes herein-before expressed, shall be invested by the governors from time to time in the public funds or other Government securities, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the educational branch of the Charity.

As to the Eleemosynary Branch.

Almspeople.

100. There shall be such a number of almspeople belonging to the Charity as shall be determined by the governors from time to time, having regard to the amount of income available for the support of the eleemosynary branch of the Charity, and the extent of accommodation afforded by the buildings to be erected for that purpose according to this scheme; but the number of such almspeople for whom accommodation shall be provided by the governors in the first instance, shall not exceed twenty-four.

101. Suitable

Residences for almspeople.

101. Suitable residences with gardens, if the same can be conveniently attached to them, and all necessary and proper fittings and conveniences, shall be erected or appropriated and provided by the governors for the reception and accommodation of the said almspeople upon the Charity estate if practicable, or elsewhere at Dulwich, and according to plans to be approved by the Board of Charity Commissioners for England and Wales.

Provision for locating present poor brethren and sisters.

102. The present poor brethren and sisters belonging to the Charity, or any of them, who may continue to hold their respective appointments after the 31st day of December next, shall be entitled to be placed, in the first instance, in the residences to be erected or appropriated and fitted up in accordance with the provisions of this scheme; and until sufficient residences shall be erected and fitted up for such poor brethren and sisters, and in case of and from and after their removal from the college, the governors shall provide them with fit residences or make such other provision for their location and domiciles as shall be just and expedient.

Qualification of almspeople.

103. One half of the almspeople shall be poor men to be called "Brethren," and the other half of such almspeople shall be poor women to be called "Sisters," and both classes shall be selected, so far as practicable, from among respectable persons, either married or single, who shall have fallen from better circumstances into indigence, and who shall be of the age of sixty years or upwards; and the said almspeople shall always be chosen and appointed from among residents in the said four parishes of Saint Botolph Without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell, respectively, in the proportion of one-fourth of the whole number of such almspeople from each of the said several parishes respectively.

Appointment of almspeople.

104. The right of appointing the almspeople shall be vested in the governors but for the purpose of every such appointment the vestry of the parish from which the appointment is to be made shall submit to the governors the names of three persons duly qualified as aforesaid as candidates, with all proper information and evidences as to their qualification, condition, character, and circumstances, and so far as regards the candidates to be so submitted from the parish of Camberwell, having due regard to the preference herein-after reserved in favour of persons resident in the township or hamlet of Dulwich and one of such candidates, if found duly qualified and eligible, shall thereupon be selected and appointed by the governors to fill the vacancy; but the governors may, if and so often as they shall think fit, on the ground of disqualification, or any other reasonable cause to be assigned by them, reject all or any of the three candidates to be so submitted to them for the purpose of any such appointment, and require other candidates to be submitted to them as aforesaid, in the respective places of any so rejected. In any case of the refusal or omission of the vestry to submit to the governors the names of proper candidates within twenty-eight days next after a notification made to them or to their clerk by order of the governors of a vacancy to be filled, or next after the rejection by the governors according to the preceding provision of any candidates or candidate for the said vacancy, the governors shall be at liberty to appoint any duly qualified person to fill such vacancy.

Weekly allowances to almspeople.

105. The almspeople, during the tenure of their respective appointments, shall have the use and occupation of their respective residences, together with such fittings and furniture (if any) as may be provided by the governors, rent free, and a weekly stipend to be fixed and determined from time to time by the governors, but not exceeding twenty shillings per week, shall be paid to each almsperson out of the income of the eleemosynary branch of the Charity.

Chaplain to have supervision of almspeople.

106. The chaplain of the college, subject to the superior authority and direction of the governors, shall have the immediate supervision and control of the almspeople, and shall take care that proper discipline and order is observed by them, and he shall half-yearly or more frequently report to the governors as to the state and condition of the almspeople and the eleemosynary branch of the Charity generally.

Pensioners.

107. Whenever the income of the eleemosynary branch of the Charity, after providing for the establishment and maintenance of twenty-four almspeople, shall be sufficient for the following purpose, the governors shall appoint from time to time as out-pensioners any number of persons not exceeding the number of almspeople for the time being, and not exceeding thirty-two in the whole. The number of such pensioners of either sex shall, so far as possible, be equal; and so far as may be convenient and practicable the several provisions herein contained with regard to the qualification of the said almspeople, and the proportion of the whole number to be appointed from the poor of each of the said four parishes respectively, and the mode of their election and appointment, and the tenure of their appointments, shall be applicable to the pensioners contemplated by this provision, except that such pensioners shall be eligible after the age of fifty years. The governors may pay to each pensioner during the tenure of his or her appointment, out of the last-mentioned income, a weekly or other periodical sum at the rate of ten shillings per week.

Removal and suspension of almspeople.

108. The governors shall have the power of removing and dismissing any almsperson or pensioner for disqualification, immorality, insubordination, misconduct, or other sufficient cause, and the master of the college may at any time suspend any almsperson or pensioner guilty of any such misconduct from the receipt of any allowance or benefit from the Charity until the case can be reported to the governors and decided upon by them.

Preference in favour of Dulwich for appointment as almspeople and pensioners.

109. In the appointment of any almsperson or pensioner from among residents in the parish of Camberwell under the provisions of this scheme, poor persons resident in the said township or hamlet of Dulwich, being otherwise duly qualified as required by this scheme, shall always be entitled to and have a preference, cæteris paribus, over poor persons resident in other parts of the said parish, and the nominations to be made by the vestry of the said parish of Camberwell shall in all cases be made in accordance with this provision; provided nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the qualifications and claims of the respective candidates in accordance with this scheme, independently of their place of residence, shall be equal according to the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive as between all parties.

110. The

110. The annual surplus income (if any) of the eleemosynary branch of the Charity which shall not be applied or required for the purposes herein-before expressed, or any of them, shall be invested by the governors from time to time in the public funds or other Government securities, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the eleemosynary branch of the Charity. Surplus income.

AS TO THE PICTURES AND OTHER MINOR FOUNDATIONS.

111. Provision shall be made by the governors, with the sanction of the President of the Royal Academy, for the preservation and custody of the collection of pictures and other works of art bequeathed to the college by the respective wills of Sir Peter Francis Bourgeois and Margaret Desenfans, and all accretions or additions (if any) to such collection, in the present gallery, and, if necessary, in some additional gallery, to be erected or otherwise provided for the purpose at the College at Dulwich, and subject to such regulations for making the same accessible to the public, and for other purposes, as the governors, with the like sanction or approval, may determine or direct. Provision for preservation and custody of pictures.

112. All sums of stock, securities for money, and other property vested in or held by the college, or any person or persons in trust for the custody or preservation of the said pictures or works of art, or for any object or purpose connected therewith, or so much thereof as shall not have been already vested in the said governors by virtue of the provisions herein-before contained, shall be transferred to the governors hereby established, or to any four persons of their number to be appointed by them for that purpose, or as to such stock to the Official Trustees of Charitable Funds, and shall be placed by the governors to a separate account, to be called "The Picture Gallery Endowment Account," and the same stock securities and premises, and the dividends and income arising therefrom, shall be applicable primarily to the purposes of placing, preserving, and guarding the said pictures and works of art, but such purposes may include the erection, providing, appropriation, and fitting of any additional gallery, which may be erected or provided in pursuance of the foregoing provision, and of keeping the same in repair. In case the services of the present curator and doorkeeper of the picture gallery, or of either of them, shall be dispensed with by the governors, a suitable yearly allowance or pension shall be assigned to them respectively during their respective lives, in consideration of their past services, such respective allowances or pensions to be paid by the governors half-yearly out of the income of the Picture Gallery Endowment. Endowments of picture gallery.

113. The annual surplus income (if any) arising from the said Picture Gallery Endowment shall be applied by the governors in or towards providing instruction in drawing or designing for the boys at the two schools constituted by this scheme, and until so applied shall be accumulated and invested as part of the surplus income of the said educational branch of the Charity. Surplus income of picture gallery endowment.

114. The sum of 666*l.* 13*s.* 4*d.*, 3*l.* per cent. reduced Bank Annuities, bequeathed by John Whitfield, Esquire, by his will dated the 24th of April 1826, John Whitfield's gift.

1826, to the master and warden of the said College and their successors, upon trust to lay out the interest thereof annually in bread and potatoes, or other necessaries, and distribute the same in the months of December, January, and February in each year unto and among such twenty poor widows in the hamlet of Dulwich as the said master and warden should in their discretion consider most to stand in need of such assistance, and in proportion to the number of their respective families and wants, together with all accretions or additions, if any, to such bequest, shall be transferred to the Official Trustees of Charitable Funds, in trust for John Whitfield's Charity, Dulwich; and the chairman for the time being of the governors, and the master, and the chaplain for the time being of Alleyn's College of God's Gift at Dulwich as hereby constituted, shall be the trustees for the management and distribution of the said last-mentioned charity, and the income thereof shall be paid over from time to time to such trustees, or any one or more of them, in order that the same may be applied and distributed by them, or the majority of them, in accordance with the trusts declared by the said will.

James Allen's gift, or Dulwich girls' school.

129. The rents, dividends, and income arising from the estates and other property constituting the endowment of the school founded by James Allen, by indenture dated on or about the 31st of August 1741, for the benefit of the children of poor persons resident in the town of Dulwich, or within one mile thereof, and all accumulations of income and other funds belonging to the said endowment, shall be placed by the governors to a separate account, to be called "The Dulwich Girls' School Account." The chairman for the time being of the governors and the master and the chaplain for the time being of the said college shall be the trustees for the administration of the said last-mentioned school, which shall be established and carried on as a school for the instruction of girls being the children of poor persons resident in the hamlet of Dulwich and its immediate vicinity, subject to such regulations as may be prescribed by the said trustees, or the majority of them, with the sanction of the said Board of Charity Commissioners for England and Wales, and the organist of the college shall instruct in vocal music and choral singing, such girls in the said school as the trustees may select; and the rents and income arising from the said endowment shall be paid over to the said trustees in trust for the purposes of the same school, and the governors of the said college shall be at liberty to appropriate in perpetuity a suitable piece of land out of the college estate as a site for school buildings for the said last-mentioned school, and any accumulations which have been already made, or may hereafter be made, out of the rents or income of the said endowment, may be applied by the said trustees in or towards erecting and fitting up suitable buildings for the purposes of the said school.

Dulwich College.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

INTITULED

An Act for confirming a Scheme of the Charity Commissioners for the College of God's Gift in Dulwich in the County of Surrey, with certain Alterations.

(*Brought from the Lords* 9 *July* 1857.)

Ordered, by The House of Commons, *to be Printed*, 31 *July* 1857.

[Bill 170.]

Under 4 *oz.*

(Scotland.)

A

BILL

TO

Authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar for the Purpose of improving the Victoria Harbour of Dunbar.

WHEREAS an Act was passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled "An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned:" And whereas another Act was passed in the Nineteenth Year of the Reign of Her said present Majesty, intituled "An Act to authorize for a further Period the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and for the Employment of the Poor," and which said Act recites the aforesaid Act and several other Acts which had been passed, making Provisions for and regulating Loans and Advances to be made by the Commissioners therein mentioned or appointed in pursuance thereof, who are commonly called and herein-after referred to as the Public Works Loan Commissioners: And whereas an Act was passed in the Eleventh and Twelfth Years of

Preamble.

57 Geo. 3. c. 34.

19 Vict. c. 17.

11 & 12 Vict. c. 122.

of the Reign of Her said present Majesty, intituled "An Act for "the Amendment and Continuation of the Burgh Customs and Water "Shore and Harbour Rates of the Burgh of Dunbar, and for other "Purposes connected with the said Burgh, and the Supply of Water "to the same and the Harbour thereof," whereby it was, amongst other Things, enacted that the Magistrates and Town Council of Dunbar, as Trustees for putting into execution the Purposes of that Act, should levy and take, in respect of the Articles mentioned in the Schedule A. annexed to the said Act, the several Rates and Duties therein mentioned, and also should levy and take the Duties mentioned in Schedule B. to the said Act, and the other Rates, Duties, and Assessments therein mentioned; and it was by the said Act declared that the said Trustees should have full Powers by an Act of Town Council to borrow any Sum or Sums of Money not exceeding Five thousand Pounds for the Purposes of the Harbours, Markets, and other Works, exclusive of the Supply of Water, and to convey, assign, and make over the respective Rates, Duties, and Assessments thereby granted, or such Parts thereof as they should think proper, as a Security to any Person or Persons who should advance any Sum of Money thereon: And whereas an Application has been made to the said Public Works Loan Commissioners by the Magistrates and Town Council of Dunbar, as such Trustees as aforesaid, for the Loan of the Sum of Twenty thousand Pounds in aid of the Expense of repairing the Sea Wall and extending the Accommodation of the Victoria Harbour, which has been constructed upon the Property of the said Burgh, near to the old Harbour thereof, and it is deemed expedient to make an Advance of Money out of the Consolidated Fund for the Purpose of such Loan: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Power to Treasury to charge the Consolidated Fund and direct the Issue thereout of 20,000*l.*

I. For the Purpose of such Loan it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland to direct the Issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the growing Produce thereof, of any Sum or Sums of Money not exceeding in the whole *Twenty thousand Pounds*, such Sum or Sums to be placed to the Credit of the Commissioners for the Reduction of the National Debt, to the Account intituled "The Commissioners for the "Reduction of the National Debt, on account of the Public Works "Loan Fund," and to be applied by the said Public Works Loan Commissioners for the said Loan.

Public Works Loan Commissioners authorized to make

II. It shall be lawful for the said Public Works Loan Commissioners to advance and lend to the said Trustees of the said last-recited Act any Sum or Sums of Money not exceeding in the whole *Twenty thousand*

thousand Pounds for the Purposes aforesaid, upon such Security as is after mentioned. Advance to Trustees of Harbour.

III. It shall be lawful for the said Trustees, by an Act of the Town Council of Dunbar, to borrow of the said Public Works Loan Commissioners any Sum or Sums of Money, not exceeding in the whole the Sum of *Twenty thousand Pounds*, in addition to the said Sum of Five thousand Pounds by the said last-recited Act authorized to be borrowed, and by Instrument in Writing, in such Form as the said Public Works Loan Commissioners may direct, to convey and assign by way of Mortgage, for the Purpose of securing any Monies to be so borrowed and the Interest thereof, as well the respective Rates and Duties by the said Act granted and leviable for or in respect of the said Victoria Harbour, as all Teind Duty for or in respect of Herrings, Lobsters, and other Fish to which the said Magistrates and Council are now in anywise entitled in respect of the said Victoria Harbour and the said old Harbour, or either of them, or otherwise howsoever, and also all Monies to accrue from the granting of Licences in lieu of any Teind Duty in pursuance of the Powers in the said last-recited Act contained, such Mortgage to be made to the Secretary for the Time being of the said last-mentioned Commissioners, or as they shall direct; and in any Mortgage so to be made there shall be contained a Reservation to the said Magistrates in Council out of the said Rates, Duties, and other the Premises to be included in such Mortgage annually *One Fourth* Part of the said Teinds or Licence Money in lieu of Teinds, provided such *One Fourth* Part do not exceed in Amount in any Year the Sum of *One hundred Pounds*, but if such *One Fourth* Part shall in any Year exceed the Sum of *One hundred Pounds* then the Sum of *One hundred Pounds* only in lieu of such *One Fourth* Part to be by them applied for the Maintenance, Improvement, and Repairs of the old Harbour of the said Burgh. Power for Harbour Trustees to borrow Money of the Public Works Loan Commissioners.

IV. It shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made to the said Public Works Loan Commissioners as aforesaid, to authorize and require the said Magistrates and Town Council to alter, vary, increase, or diminish the Rates, Duties, and Teinds comprised in such Mortgage, whether leviable under the said Act or otherwise (not exceeding the maximum Amount of Rates, Duties, and Teinds leviable under the said Act or otherwise): Provided, that such Rates, Duties, and Teinds be not diminished to such an Extent as to be insufficient to raise the said Sum of *One hundred Pounds* per Annum to be paid to the said Trustees as aforesaid, and to direct how Power for Treasury to increase or diminish Rates, &c., and to exercise Powers of Borrowers relating thereto.

how and which of the said Rates, Duties, and Teinds shall be collected and received, and also for the said Commissioners of Her Majesty's Treasury from Time to Time, when and as they may deem it expedient so to do, to exercise all the Powers, Rights, and Privileges now vested in the said Magistrates and Council in relation to or affecting the said Rates, Duties, and Teinds to be comprised in any such Mortgage or any of them.

Accounts to be kept.

V. From Time to Time and at all Times, so long as any Principal Monies shall remain unpaid in respect of any Mortgage to be made by the said Public Works Loan Commissioners as aforesaid, fair and regular Accounts shall be kept by the said Trustees of all Monies received or paid in respect of the Rates, Duties, and Premises comprised in any such Mortgage, and of the Intromissions of the said Trustees, and shall be balanced to the *Thirty-first Day of October* annually, and within *One Calendar Month* thereafter Copies of such Accounts, signed by the Provost, Treasurer, and Town Clerk of the said Burgh, shall be forwarded to the Commissioners of Her Majesty's Treasury; and the said Trustees shall from Time to Time, when and as the last-mentioned Commissioners shall require, produce the Documents and Vouchers instructing the same, as the said Commissioners shall direct.

Powers, &c. of Public Works Loan Acts to have the same Force as if re-enacted in this Act.

VI. All and every the several Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, contained in all or any of the Acts relating to the said Public Works Loan Commissioners, and in all other Acts of Parliament whatsoever relating to the said Commissioners, and recited or referred to in the said recited Act of the Nineteenth Year of the Reign of Her present Majesty, shall, so far as the same can be made applicable and are not varied by this Act, be taken to extend to this Act, and to everything to be done in pursuance of this Act, and to the Securities to be given in pursuance thereof, and as if such Clauses, Powers, and Provisions, Priorities, Advantages, and Penalties, were herein repeated and set forth and made applicable to the Securities to be given in pursuance of this Act, and every other Matter or Thing to be done by virtue of this Act.

Short Title.

VII. In reciting this Act for any Purpose whatsoever, it shall be sufficient to use the Expression "The Dunbar Harbour Loan Act, 1857."

Dunbar Harbour Loan.

(Scotland.)

A

B I L L

TO

Authorize the Advance of Money out of the Consolidated Fund to the Magistrates and Town Council of Dunbar for the Purpose of improving the Victoria Harbour of Dunbar.

(*Prepared and brought in by Mr. FitzRoy, Mr. Egerton, and the Chancellor of the Exchequer.*)

Ordered, by The House of Commons, *to be Printed*, 4 *August* 1857.

[Bill 173.]

Under 1 *oz.*